

**THE ORIGIN AND DEVELOPMENT
OF
THE ISLAMIC STATE
IN
THE FIRST CENTURY A. H.**

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ABBREVIATIONS

A. D.	-	'Musnad' Abu Daūd	
U. Q.	-	'Umdat ul Qari	
Bu	-	'Sahih' Bukhari	
C. M. H.	-	Cambridge Medieval History.	
E. BR.	-	Encyclopaedia Britannica	
E. I.	-	Encyclopaedia of Islam.	
E. R. E.	-	Encyclopaedia of Religions & Ethics.	
F. B.	-	Fateh ul Bari	Fateh
Fh B	-	Futūh ul Buldan	
H. M.	-	Husn ul Muhadhirah	{ a
I. Q.	-	Ibn Qutaibah	
I. M.	-	Ibn Majah 'Sunan'	
Izala	-	Izalalat ul Khifa	
Mu	-	'Sahih' Muslim	
K. M.	-	Kitabul Maarif	
Na	-	Nawai	
Tir	-	Tirmizi	
T. K.	-	Tarikh ul Khulafa	
Z. M.	-	Zadul Mad	

(ii)

System of Transliteration

Below is given the system of transliteration adopted
in this work

ا	= a
ب	= b
ت	= t
ث	= th
ج	= j
ح	= h
خ	= kh
د	= d
ذ	= z
ر	= r
ز	= z
س	= s
ش	= sh
ص	= s
ض	= dh
ط	= t
ظ	= z
ع	= 'a, 'u = 'i
غ	= gh
ف	= f
ق	= q
ك	= k

(iii)

U = L

U' = M

U = n

o = h

u = u (as vowel)

u = w (as consonant)

U = i (as vowel)

u = un

= = an (above the lines)

= = in (below the lines)

INTRODUCTION

Islam is not only a religion merely ^{of} some dogmas or rituals. It is not only a mere belief in a transcendent God. It is a social order. It embraces life in all its aspects-moral and physical, individual and communal; the problems of the flesh and of the mind, of sex and economics of morality and aesthetics have side by side with the problems of worship and theology - their legitimate place in the Prophet's teachings. Thus according to Islam the religious life does not mean only incessant prayer and meditations in ^a cave or convent, it is actual life lived in accordance with the ideals of Islam. The secular and ^{the} religious, the material and ^{the} spiritual are not separated in the all-inclusive and comprehensive system of Islam. The Prophet was not content with nursing a moral attitude in individual persons but aimed at the very outset at translating this attitude into a definite social scheme so that the problems facing human beings may be solved.

Life, according to Islam, is an indivisible whole; it can not be divided into water-tight compartments. Unlike Christianity, Islam has repudiated any ^{division} conception of life ^{into secular} as ~~illusory and unreal~~ and spiritual life and ~~things beyond sense~~. On the contrary, it holds that this world is no less real ^{and} important than the other world since

it is not an isolated creation and the life hereafter will be determined by the life lived here. From its standpoint all worldly things are spiritual, if judged in their ^{true} perspective. It is not simply an offering of prayers and meditations in a convent or a mosque but it is actual social life lived in accordance with the ideal. In the words of Iqbal "The spirit of all true prayer is social Even the hermit abandons the society of men in the hope of finding in a solitary abode the fellowship of God¹" It stands to the credit of Islam that, ^{un-}like christianity or any other religion it does not aim at developing only the spiritual self in men "recognizing the contact of the ideal with the real, it says 'yes' to the world of matter and points the way to master it with a view to discover a basis for a realistic regulation of life.²

Therefore when, according to Islam, the individual is an integral part of society for his material as well as spiritual development, he must keep himself in touch with society and concern himself seriously with all social problems.

Now as Islam embraces the whole of a man's life, politics, which is a part and parcel of a man's life, can not fall out side its scope. As a matter of fact, it exercised a very healthy influence on the political aspect of man's life. The time of the Prophet and his first

1. Iqbal P. 92.

2. Ibid P. 10.

four successors is an eloquent testimony to what man can achieve in this world when religion is allowed to play its role in the political life of a community.

The Islamic state came into existence on the basis of the fundamentals of Islam. It was an attempt to organize the life of man on this basis and to solve all his problems. With the migration of the Prophet to Yathrib or ^{al}Madinah, this came into being. It was a kind by itself and defied and still defies all the existing classifications of state. It was and is altogether different from all the existing states.

Before the rise of Islam, in its birth-place in the Arabian Peninsula, no state existed which embraced the whole of it. There were a number of city states and small kingdoms and the tribes were the political units. These states often fought with each other and thus there was a state of anarchy. The Arabian peninsula was bordered on the north by the two mighty empires - the Persian and the Byzantine or Eastern Roman empires. As has been described in the first chapter both these empires were utterly degenerate and were quite incapable of solving the problems of humanity. The state of affairs ^{in the} of Pre-Islamic world can be summed up in these words 'There is perhaps no period of history in which society was so universally in a state of demoralisation nor in which all the nations known to the Greeks and the Romans were so utterly destitute of energy and virtue as during the period which elapsed from

The death of Justinian^{nian} to the death of Mahomet^h. The Nemesis was bound to come, and events which no human sagacity could foresee, against which no political wisdom could contend, and which the philosopher can explain by ^{attributing} exhibits in the history of the world the education of the whole human species, at last put an end to the existence of the Roman domination in the East¹. The Islamic state was founded by the prophet when he reached Yathrib or ^{al}Madinah and became the head of this city state by virtue of the Bai'at and at the time of his death, this state had included the whole of the Arabian peninsula. The whole state was under one law - a thing unheard of in the annals of ^{this} country. This political miracle was visualised in the complete unity of thought and action.

Thus the Islamic state came into being with the arrival of the Prophet in Yathrib. During the period under review that is till 100 A.H., it went on expanding tremendously both in size and population. It was no longer an Arab state before the close of the first century of the Muslim era. On the other hand, it had its vast frontiers in Morocco on the one hand and Sindh and parts of Central Asia on the other and had a population of several millions comprising different nations and nationalities of the world.

The Islamic state, founded by the Prophet discredited the theory of force as the basis of the state. In the days of the Prophet it was based on the people's consent which was in the form of the Bai'at. In the days of the

Prophet, ^{the} regular police force was not in existence.

In the days of the Khilafat-i-Rashida the same basis continued. A new Khalifa ^{was} adomed the Khilaffat only after people had ^{sworn} allegiance to them.

Even in the days of the Umayyads this elective basis of the Islamic state remained and every khalifa was confirmed in his office by the popular Baiat despite un-Islamic influence by which this dynasty had been influenced.

Thus the Islamic state can in this way be called democratic.

From the Islamic stand point fear of God more than any thing plays the most effective part in maintaining the Islamic civilization and culture and the other checks can never be so effective as this. It was fear of God preeminently which restrained Muslims from all antisocial and irreligious activities in the days of the Prophet and Khulifai-Rashidin, when the Muslims stood on the most exalted standard of character ever reached by any people at any time in this world. ^{Then} E.g. during the days of Abdu Bakr, for one whole year not a single case was registered in the court presided over by Umar. Such was the law-abiding nature of the early Muslims. It was this fear of God which transformed thieves and bandits into guardians of peace and security and it was this fear of God which turned the Pre-Islamic warring factions into peace loving citizens of a state.

During the days of Umayyads this fear is not to be found to the same extent hence there was deviation from

the path of rectitude and excesses were committed and the life and conduct of the Umayyad Khalifas excepting 'Umar II or 'Umar ibn 'Abdul 'Azis and their officials was not irreproachable.

The Islamic state was an ideological state and was and is quite different from other states which existed in the past and exist in modern times. The state did not come into being to enslave and subjugate humanity nor to perpetuate the domination of class by class but it came into being to uphold social justice disregarding differences of creeds and races. The Prophet of Islam united people ⁱⁿ to the fold of Islam not to submit to him nor to accept the Arab domination but to submit to the ideal which could unite diverse races and creeds. To the priest-ridden, wealth-dominated world, divided into numerous warring cliques and groups, it gave a new set of values and offered liberation to mankind, particularly to the oppressed and the downtrodden who had been kept under subjection by the exploiting rich and the usurpers of political power.

During the days of the first four Khalifas of Islam this character of the state remained. It remained a state comprising diverse races and nationalities. During the days of ^{the} Umayyads, the character of the state underwent some change when the Arabs enjoyed a dominant position and the state was more of an Arab state than a Muslim State.

The Islamic state was not a theocracy. Rather it abolished theocracy as it prevailed in Christendom. The Pope in Europe was regarded as the keeper of the peoples' conscience and he wielded almost unlimited power and authority over

the people and sometimes even challenged the supremacy of the king. He was supposed to be infallible and whatever he ordained or deemed fit for the people was considered right. Islam sharply differed from this view. The state from the Islamic stand point is an endeavour to transform ideal principles into space time forces, an aspiration to realize them in a human definite organization. ¹ The Islamic state was a theocracy only in this sense alone and not in the sense that it is headed by a representative of God on earth who can always screen his despotic will behind his supposed infallibility. Islam shattered not only the belief in the infallibility of the Pope but also the divine right theory of kingship which held sway for a considerable period of time over the minds of the people of Europe. Islam has rejected out-right the western theory 'the king can do no wrong' and has regarded the Khalifas or the rulers of the Islamic state as answerable to God for all their actions and has subjected them to public criticism in view of the fact that they have been the repositories of the divine trust in the shape of the state. Hence during the period under review almost all the Khalifas considered themselves under the laws of Islam. Their actions could be criticized by the people and were actually criticized. Thus during the days of 'Umar any one could so. When Muawiyah wanted to nominate Yazid - his son as his heir-apparent, he was

1. Iqbal pp. 154-5.

criticized by the companions of the Prophet. Hence the Government of the Islamic state in the beginning was responsive and responsible and it never became despotic or autocratic in the sense that it could not always ignore the public opinion.

Islam broke new ground in so far as the concept of sovereignty is concerned. Instead of monarchy or oligarchy or popular sovereignty, Islamic state stood for Divine sovereignty, and loyalty was demanded to God and not to the occupiers of ^{the} throne. God, in the capacity of the Lord or the Sovereign of the universe, is alone entitled to frame rules of conduct for man and laws for society and state. Unlike laws formulated by human beings, the Divine laws are infallible since they emanate from one who is the most wise and all-knowing as the Law of God is supreme and universal so it is in the nature of things that man is ordered to obey his exposition of the Laws as revealed to the Prophet. Not only passive obedience is demanded but the citizens are required, if need be, to spend their all, to bear suffering and hardship¹ gladly in order to spread the Law of God upon the earth. This law was implicitly followed by the Prophet, his first four successor and then by the Umayyad Khalifas and the Khalifa never became absolute.

In the application and enforcement of these Divine

1. The Quran II: 155-7; 216.

laws in the Islamic state, the rulers were guided by the advice of those persons who were well-versed in the law. Thus from the Islamic stand point, laws are the expressions of the will of God. Expressions not of an arbitrary will, but of a benign will which wants man to attend the highest stature of his personality and realize the ideal through obedience to the laws ordained by Him.

Another distinctive feature of the Islamic state was tolerance or liberty of Conscience. It gave lead to all the advanced countries and nations of the world in this respect. The Jews, the Christians and other civilized nations of the world before the establishment of the Islamic state were the most intolerant people and used to shed innocent blood, being swayed by religious fanaticism. Bitter animosity and hatred prevailed amongst the different races culminating in bloody conflicts. The Islamic state adopted liberty of conscience as its cardinal principle. Wherever the Muslims established their sway, this principle was followed in relation with non-Muslims. The state, by its tolerance, established the reign of law instead of the reign of terror and thereby won the good will and esteem of the non-Muslim subjects. In the words of Finlay 'The liberty of conscience was an ideal almost unknown to any but the Muhammadans'. At a time when Persia & Byzantium were doing all they could to enforce homogeneity of religious belief, it was something novel and startling in the history of political principles that the Quran should take the variety of religious belief

in a state almost taken for granted, and lay down for all time the magnificent ideal that there is to be 'no compulsion in religion'.¹ Thus the Islamic state laid down for the first time the principle of liberty of conscience of religious freedom and inaugurated an era of religious tolerance. This continued during the umaiyyad Khilafat.

The Islamic state gave top-most priority to justice. It always upheld the principle of equality before law as the indispensable means of establishing even-handed justice among people. No one including the Khalifa was above the law or enjoyed any privileged position. He was as much subject to the law as any other ordinary citizen. There was no discrimination in this respect. The very familiar maxim, 'law is no respecter of persons' which has now-a-days become a mere platitude, was fully realized in practice in the Islamic state during the period under review as has never been done in any other state in the past or in the present. The highest dignitaries of the state including the Khalifa himself were as much liable to judicial processes as the ordinary man. The treatment meted to Abu Shahma - a son of 'Umar - the second Khalifa of Islam who drank wine and to Jabalah, a converted Christian chief who slapped a Muslim slave are instances in point. All people, high and low were subject to the same laws and nobody however influential or powerful, could claim any preferential

1. Sherwani pp 33-4.

treatment. This was one of the most remarkable features of the Islamic state.

The judges enjoyed perfect freedom in the discharge of their duties. No interference from the executive or from any other official quarter hindered this functioning. Thus for the first time an independent judiciary existed and the world came to know of it only through the Islamic state. The principle of separation of powers was at work in the Islamic state.

Economic justice was of vital concern to the Islamic state. Invidious social distinctions and gross inequalities of wealth were not to be found on account of the institution of Zakat and Sadaqat. The state helped the needy and the paraxte. In the days of 'Umar a regular help was given to such persons and there was a regular department. Stipends and pensions were given. Thus the state was a welfare-state.

The most remarkable service rendered to humanity by Walid I which no state has ever rendered was his undertaking to support all the incapacitated, disabled and limbless ^{persons}. They were not to beg for alms but were granted pensions. Servants and attendants were appointed to lead the blind and assist the incapacitated. ¹ Provision was made by him for the care and education of all the orphans. ² These philanthropic and welfare understandings were improved upon and extended by saintly

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1. Syuati p. 224.
 2. Ibid.

'Umar II. He ordered the Walis of Khurasan and Samarqand to build rest houses along all the roads and feed the way passers, treat the sick among them and if they were without means, to₁ pay them the fare and other expenses to reach their destination.

Construction of roads, bridges, digging up of canals and arrangements for the education of people were the other examples of the welfare activities of the state. During the days of the famine or other natural calamities, the khalifa adopted special measures to relieve the burden of the people. For instance 'Umar did a lot when a severe famine visited Hijaz during his Khilafat.

The Islamic state did not create any unbridgeable gulf between the rich and the poor. The rich considered it as their religious duty to help their poor brethren by paying the Zakat and Sadaqat. Thus no antagonism existed between the two.

Equality of opportunity for all, high and low, rich and poor was the sheet anchor of the policy of the Islamic state days during the days of the Prophet and the first four Khalifas of Islam. All decent and legitimate professions were thrown open to all and equality of opportunity was not denied to any body on religious or sectarian grounds. Fair field and no favour was the accepted creed of the Islamic state.

Racketing, black marketing and profiteering were strictly prohibited. Umar introduced price control in order to check the rising price.

1. Tabari II p. 1364.

The principle of nationalization was translated into actual practice by the declaration of the Prophet that mines and treasure troves were the property of the state and by 'Umar's decision that the land conquered during the 'Iraqian campaign belonged to the state. This prohibition that Muslims should not own lands was also an attempt to discourage land lordism. But land-lordism reappeared during the Umayyads when fiefs and big pieces of land were granted to those who enjoyed the favour of the Umayyad Khalifas.

The Islamic state never discriminated between its Muslim and Non-Muslim citizen in matters of appointment or in respect of other rights and facilities if offered to its citizens. Only for obvious reasons the non-Muslim could not be appointed to key posts as they did not believe in the ideology of Islam. In the conduct of a administration, the Government of the Islamic state upheld justice and fair play and did not follow any discrimination.

The Islamic state during the days of the Prophet and the Khilafat-i-Rashida followed the principle of equality. That nobility depended not in belonging to any particular family, race, tribe or nation but in being noble of character and personal conduct. Not only did the Prophet wipe out all the artificial barriers that divided humanity into hostile camps and warring cliques but in his life time he set up shining examples of universal brotherhood and fellow-feeling by getting his own cousin married to a freed man and by

appointing a freedman as the Commander over the members of the Quraish nobility. The principle of equality and brotherhood was followed by the first four Khalifas as well. During the Umaiyyad Khilafat, preference was given to the Arabs in appointments hence the Arabs enjoyed a position of ascendancy and this therefore went to transform the state into an Arab state.

The principle of financial decentralisation was at work during the days of the Prophet and the Khilafat - (C-Ruski) as is evident from the fact the provincial revenues were spent on the needs of the provinces and the surplus remained in the provincial treasuries.

Internationalism was another distinctive feature of the Islamic state during the days of the Prophet and the Khilafat-i-Rashida. It shunned all narrow and ^p~~n~~ ^l~~a~~rochiat ideas about nationalism and patriotism. It was one of the salient features of this state that in the midst of inter-tribal and inter-racial feuds and dissensions it preached amity and concord amongst all races and creeds, and all individual distinctions of colour, class and caste were thoroughly ab^dliterated and an international out-look was developed which brought home to the world the essential unity and solidarity of mankind. It was an extremely bold advance when racial, territorial and geographical factors were playing the dominant role in the life of nations.

During the Umayyad Khilafat, despite the ascendancy of the

Arabs, the Islamic state retained its international character and it was far from being a purely Arab national state as Non-Arab constituted the major part of its population and the citizenship was not exclusively reserved for the Arabs.

During the days of the Prophet, the ^{muslim} state had ^{several} features of a federal state, as the tribes - the units - enjoyed considerable ^u autonomy. War, peace and administration of justice were the subjects which fell within the purview of the central government while other matters were in the hands of the units. During the days of the Khilafat-i-Rashida and Umayyad Khilafat, the Central Government had wider powers and provinces instead of tribes were the units and did not possess that much of autonomy which the tribes enjoyed under the Prophet. Thus the state now had more of a unitary and highly centralised government than a federal Government.

The Islamic state maintained its partyless character from the days of the Prophet till the first half of the reign of 'Uthman the third Khalifa. It was from the second half of his reign that it did no longer maintain its partyless character. In his time arose the shias of 'Ali - the partisan of 'Ali for ^{who} the Khilafat and held that all his three predecessors were usurpers and they denied the democratic character of the Khilafat. They held the view that the Khalifa was a divinely ^{designated} ~~derivated~~ office. During the days of 'Ali arose the Kharijis who can be designated as the anarchists and who denied that Khilafat belonged to the Quraish. To them every Muslim was entitled to the office of the Khalifa. So the unity could no

longer be maintained. Now the struggle ensued for political power. During the umaiyyad Khilafat, there were three distinct political parties-the Sufias, the Kharjis and the rest of the Muslim Community. Thus the state no longer remained a non-party state. There were the Arabs and non-Arabs who always contested the Arab ascendancy. Thus non-partisan character of the Islamic state could not be retained during the Umaiyyad regime.

The Islamic state maintained its democratic character even under the Umaiyyads as every Khalifa was confirmed only when the people had ~~xxx~~ sworn allegiance or Baiat to him.

In the Islamic state developed a science of international law quite independent of Political Science and law general. It had relations with the Byzantines and others ~~states~~ in times of war as well as peace. The rights of the enemy both in time of war and peace were recognized by the Quran and endorsed by the practice of the Prophet, his immediate successors and the Umaiyyad Khalifas. Thus originated the epoch-making change in the concept of international law. Before the establishment of the Islamic state we do not find any reference to the rights of belligerent either in the Roman law or in the teachings of Christianity. It was the Islamic state alone which developed this international law. This is the greatest contribution of Islam to international law and one of the most distinctive features of the Islamic

¹
state.

The above is the original contribution to the subject. An attempt has been made to present a systematic development of the Islamic state in the first century of Hijrat in this work.

The material has been collected mainly from the original Arabic sources. The Quran, the books of Hadith especially Sahih ul Bukhari and the other most important books of Hadith, the books dealing with the life of the Prophet especially 'Sirat' by Ibn Hisham, Tabaqat by Ibn ^{Rashtali} ~~Rashtali~~ and Ra'isal ul by Suhaili and then the other books of History especially Tabari, Ibn Athir, Masudi's 'Muraj' for the political conditions of Pre-Islamic Arabia, Ibn Habib's 'Kitabul Muhtabbir' & Asraqi, Masruqi and 'Iqdul Farid have been consulted.

^{Three}
Two other books needs special mention namely Hameedullah's 'Muslim conduct of State & And Nawabi Min Nizam Hukumran' and Kattani's Taralibul Idarya.

The bibliography contains the details of other books.

1. Hameedullah pp. 62-64.

"CHAPTER I"

A BRIEF SURVEY OF THE POLITICAL CONDITIONS OF PRE-ISLAMIC ARABIA AND THE NEIGHBOURING STATES i. e. THE BYZANTINE AND THE SASSANID EMPIRES:

SOME OUTSTANDING FEATURES OF ARABIA:- THE BIRTH - PLACE OF ISLAM:

The natural boundaries of Arabia act as the most effective barriers against excessive out-side interference and the infiltration and infusion of foreign blood.¹

Its inhabitants have preserved their individuality i.e. their semitic character on account of its geographical situation² and have escaped the vices which have crept in the advanced and more civilized nations of today. At the same time its intermediate position between India and the east on the one hand and Egypt and Europe on the other hand had thrust upon it for a long period the

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1. It is bounded on three sides by the ²Sea and on the fourth by an almost impenetrable desert.
 2. Nicholson - 'A literary History of ^{the} Arabs' P. XVI.

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role of a commercial intermediary.

Arabia has the distinction of being the birth-place of various religions² including Islam. From times immemorial, Mecca - its premier city has attracted thousands of pilgrims to its sanctuary - the Kabah. Today, it is the religious centre of the entire Muslim world. Its central position has been a powerful factor in the wide dissemination of Islam to the remotest corners of the world.

2

According to the Arab historians and Western Scholars such as De Goeje, Schrader, Sprenger, Rogers, Robertson Smith, Wright etc., Arabia is the original home of the Semites.³ It is needless to point out that the contribution of the Semitic races to the world civilization has been immense.

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1. In the old days it had attracted the attention of the civilized peoples such as the Egyptians, Greeks, Phoenicians, Babylonians, Persians and Romans as being the chief supplier of articles of luxury such as perfumes - The Bible 'Isiah' EZEKIEL XXVII; 21, LX:6; XIII: 20; Muqqadasi p. 197; Nadvi pp 44-5. According to Ptolemy, the Arabs were noted for their trade-Hamadani 'Sifat' p. 14.
 2. Tabari 1 pp 213-4; 217, 220, 222; 'K.M.' p. 14; Yaqubi 1 p. 17.
 3. E.I. IV p 4; E.Br XXIV p. 263; Hastings 'D.O.B.' Extra Vol. p. 87; Rogers 'The Religion of Babylonia and Assyria' p. 50 A History of Babylonia and Assyria' 1 p 307; Sayce 'Assyrian Grammar for comparative purposes' p 13; Keane 'Man-past and present' pp 490-491; Winckler 'The History of Babylonia and Assyria' pp 19, 20.

" INHABITANTS "

Corresponding to the varying nature of the country - largely barren and in part fertile, the people fall into two groups - the settled or Ahlal - madar or town-dwellers and ¹ the nomadic or Ahlal-wabar or bedouins who lived in tents.

Wherever conditions of settled life are available, people are amenable to foreign control but the desert dwellers have refused to bow down to any foreign invasion. They have developed individualistic and subjective tendencies. It is these people who constitute the great majority of the population and represent the best adaptation of human life to rigorous desert conditions. The nature of their country and the consequential mode of life has forced them to lead a simple life free from greed, luxury and other vices of civilization.

But the contrast between the two types of Arabs is not very sharp. Both are self-confident and hot-tempered. There is an incurable feeling of particularism in them.

" LANGUAGE "

Arabic - the language of the country^{ty} is the official language of Islam. Without it, no study of Islam can be

1. E. J. II p. 373.

complete. It is characterized by an extra-ordinary richness¹ of vocabulary. The insular character of the country has prevented it from ~~the~~ contamination by non-Semitic languages.²

"THE POLITICAL CONDITIONS OF ARABIA ON THE EVE OF ISLAM"

Just before the advent of Islam, the country did not possess a strong national government that might have united the different warring tribes into one unit i.e. a nation-state. Tribal individuality and individual particularism were the core of the Political existence of Arabia.³

"THE POLITICAL ORGANISATION OF THE TRIBES OR THE UN-SETTLED ARABS"

The entire extent of Arabia was split up into a multitude of warring and independent tribes. They were held together only by traditional sentiments of unity of blood and not by any elaborate political organisation. All political and military duties were looked upon as obligations of blood. These mutual obligations and social duties went

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1. This is illustrated by the fact that it has some 80 names for honey, 200 for the serpent, 500 for the lion and 1000 for the sword.
 2. Enayatullah 'Geographical Factors in Arabian life' p. 34.
 3. H.H.W. VIII p 293.

to unite all the members of one group to another against all other groups and their members.¹

A number of families tracing their descent from one common male ancestor and pitching their tents close together in a common quarter constituted the clan. A collection of these clans which migrated regularly was known as the tribe. There was no difference between a tribe and a clan except in size and distance from the common ancestor.² The individual depended upon the protection of his tribe. If he withdrew from the tribe, he forfeited the right of protection. Without it, he was to live alone-the most awful conditions of the desert.³

The complementary notions of rights and duty, ruler and ruled and patron and client were one and the same word. The spirit of isolation had made political unity impossible.

There was no magisterial authority and sovereign power separable from the association and the individual with a revenue of its own drawn from taxation and an independent administration by official organisation.⁴ Although the Arabs

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1. Smith 'Kinship and marriage in early Arabia' p 1.
 2. Ibid p 4.
 3. It is best illustrated by the law of blood-feud. By it, he who killed the members of his own tribe found no support and was either put to death or had to take refuge in an alien tribe Smith p 25; H.H.W. pp 285-6.
 4. H.H.W. VIII p 286.

spoke a common language, consulted the same ⁰oracles, participated in common fairs and to a great extent observed the same customs, their constant aim was decentralization.

The functions of the community were exercised by all members equally. Prerogatives and obligations of the state as are understood today were things that the individual was bound to do not under compulsion from without but from the corporate feelings of neighbourhood and brotherliness.

The individual was quite at liberty to concert measures with his comrades. The rest were to assist and help him at his call without question. Primary obligations rested with the clan which had the right of inheritance together with the duty of paying the debts of its members, delivering him from captivity and helping him in vengeance.¹ The tribe came into picture only when the need was greater.

A community based upon exclusively mutual fellowship did not fulfil its tasks satisfactorily. Indolent and refractory members did not perform their duties towards the community for lack of coercion from without. The only pressure that could be brought to bear upon them was the shame of falling short in the public opinion and of being ex-communicated or outlawed from their tribe. Individual liberty was too little restricted by a due regard for the interest of the community. Nothing prevented a man from

1. ^{H.H.W.} Ibid p 287.

inclineting an injury upon the other which might kindle a flame of war and spread even beyond the tribe.

The competition between the tribe and the clan was another source of discord. Tribe was considered merely an expansion of the clan. The individual stood in no direct relation to the tribe. Wherein the tribe and the clan diverged which was often the case, the individual was with¹ the clan.

Each tribe had its own chief who was chosen by the members of the tribe on account of his strength of character, seniority of age, courage, wisdom, high-birth and generosity. The idea of authority and rulership as distinct from the tribal organization was almost unintelligible to the Arabs as they were traditionally accustomed to family rule.

The powers of the chief were limited to lead his tribe during a conflict with other tribe in raids and in settling disputes of the members of his tribe. It was not within his power to make rules or regulations without consulting the whole tribe. He was more of a general and a judge than a ruler. As there was no definite system of law, most of the decisions were left to his individual discretion and a leader could easily influence the collective will. He checked the disintegration to which his tribe was liable from individual selfishness and particularism. He had great authority but no supreme power.

1. H.H.W. pp 287-8.

At times, a number of tribes entered into alliances for particular purposes.— E.g. to fight the common enemy.¹ But these combinations were short-lived. The too much individualistic tendencies and the clan-spirit of 'Asā'iyah' of the tribes were responsible for the break up of these coalitions. Even the slightest encroachment upon their rights could not be tolerated by the tribes.

Each tribe had its own pasturage and waters which constituted its wealth. It constantly moved and lived at a place so long as its cattle were fed and watered.² Innumerable struggles centred round them for each one regarded the wealth of the other as its legitimate victim for robbery and plunder.

The heads of the component clans of a tribe had an independent position in relationship both to the tribal chief and the tribe. The bond of Union was very

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1. But these combinations were short-lived. The Quraish and the Kinanah combined to fight the Hawazim - their common enemy at the battle of Fijjar but the combination broke up as soon as the war was over. The banu Mad combined on three occasions to fight their enemies.

-Ibn Hisham I pp 18-9; Ibn Athir I p 187; Ibn Sād I/I p 8.

2. The Abs and Kalb, for instance fought over the Spring of 'Ar 'Ar - Ibn Athir I p 211.

loose and they could withdraw from it if they felt aggrieved. They owed¹ the tribe only such duties as they voluntarily offered.

Very often out-lawed members of one tribe after committing some serious crimes such as murder against his own tribe sought the protection of the other tribe. This act of seeking protection was known as 'Istijarah'. The individual was usually given refuge and protection. Both the protector and the protected² shared the risks and benefits of blood feuds.

The covenant of protection was based upon public oath. It was held good till it was renounced

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1. For instance the Banu Lajeem and Yushkun withdrew from the tribe of Bakr at the time of the battle of Bakr and Taghlib - Ibn Athir I p 190. In the battle that ensued between Salma and Shurhabil - Harith of Kindah's sons, Banu Hansalah, Tameem and Rabab withdrew from the tribe of Bakr while the Banu Sad seceded from the tribe of Taghlib - Ibn Athir I p 198.
 2. Smith p 49; Swaid of Banu 'Abdullah Ibn Darim killed Asad-Amr Ibn Mansar's son and sought the protection of the Quraish - Ibn Athir I p 199. Khalid the chief of the Hawazin took refuge in the court of Numan - the king of Hira. Numan led an expedition against Harith - the Ghatafanid chief who had put his 'jar' i.e. protected to death. Harith was supported by his protectors - the Darimis who fought the combined forces of Numan and Hawazin Qais Ibn Zuhair was given refuge by the Banu Badr - Ibn Athir I pp 202-3, 205-6.

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at the sanctuary. It was through this process that not
only individuals but entire families and clans were
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naturalized. This gave rise to the institution of Mawalis/
or 'clients'.

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1. Uthman Ibn Ma'mun who enjoyed the protection of Walid renounced it publicly at the Kabah - Ibn Hisham I p 243.
 2. For instance several Jewish clans of Yathrib enjoyed the protection of Aus and Khazraj - Aghani XIX p 297. The relation of the protector and the protected was constituted by a solemn oath - At Mecca, the protection was publicly constituted and renounced at the Kabah - Ibn Hisham I p 243. Midedad Ibn Alaswad who originally belonged to the tribe of Bahr exchanged his tribal name for that of Kindah after committing a murder in his tribe and taking refuge in Kindah. He again shed blood in his new tribe and fled to Mecca where he was adopted by Al Aswad- the Zohrite and was thence forth known as Midedad Ibn Al Aswad - Ibn Hajar: Isabah' I pp 931-2. The protector was bound to avenge his protected or halif's blood and was along with the members of his tribe liable to be slain in his halif's quarrels as the latter was in the quarrels of his protector - Aghani XIX p 75; Ibn Hisham pp 18-9.

Harithof the Bani Zuhair after killing Khalid Ibn Jafar Ibn Kulab of the tribe of Hawazin who had murdered Zuhair - the Ghatafanid chief and had sought the protection of Numan the king of Hira was given refuge by the Darimis. The combined forces of Hira and Hawazin demanded Harith's surrender but the Darimis refused to surrender him. It resulted in fierce bloodshed and the defeat of the invaders - Ibn Athir I pp 202-3. The battle between the tribes of 'Abas and Fizarah also began on a similar ground - Ibn Athir I p 208.

The only function of the community apart from self-defence was the maintenance of peace within its own borders. Law was the means to this end. To rule was to judge. As the conditions of life were very simple in the desert and interests were uniform, the law was singularly dry and formless. Its limits were wide and vague.

Disputes were settled by judges without any legal formalities. Inter-tribal disputes were referred to arbitration.¹ The priest or the kahin or some other person who enjoyed the general confidence and had reputation for exceptional wisdom was entrusted with this task.²

The disputants did not apply to the judge to sue for and obtain their rights but simply to learn the rules of law. The judgment had no legal force and did not entail the execution of the sentence.³

The absence of a magisterial authority rendered criminal jurisdiction impossible. No official process of investigation and coercion existed. The

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1. For instance, Harith Ibn Jabalah- the Ghassanid chief settled the disputes among the various clans of the Tay - Ibn Athir I p 232. The king of Hira brought about a truce between the Bakr and Taghlib- Ibn Athir I p 193.
 2. H.H.W. VIII p 289; The Prophet Muhammad was requested to settle the dispute which had arisen among the Quraish over the question of raising the Black stone into its proper place - Ibn Hisham I pp 122-3 Ibn Sad I/I p 93-4; Qalqashandi I p 398.
 3. H.H.W. VIII p 289.

Arabs had not reached the abstract conception of crime against the community at large still less of punishment inflicted by the community. It was the duty of the individual to see how he could best get compensation for the wrong done him and seek for help wherever he found.

All crimes were treated in the same manner¹ and assessed as economic damages.

Blood-shed was the most serious crime and vengeance took precedence over all political considerations. It was the duty of the next heir of the murdered to demand it. Often it was deferred till the child attained the age of majority. It extended to the clan as well which helped the avenger against the slayer and his clan.² If the murder was committed by an unknown hand and another person was suspected of being the murderer, his clan had to take ^a on ^o oath of purgation for him which was counter balanced by an oath to the opposite effect on the part of the murdered's clan. It³ often led to deadly wars between the two clans or tribes.

1. ^{H.H.W} Ibid pp 289-90, 293.

2. Imrul Qais sought the help of a number of tribes to avenge the murder of his father - Ibn Athir I p. 183-5.

3. Lagitah Ibn Zirarah led an expedition against the tribe of 'Amir to avenge the murder of his brother. Ibn Athir I p 212; The second battle of Fajjar is another example of it. The battles of Fari, Hatib, etc etc are the other examples of it - Ibn Athir I p 245-6; 247.

Blood guiltiness could be paid off in money i.e. camels. Criminals were some times handed over to the avenger by their own tribe so that the accused might requisite them for what they had done. In such cases, the blood revenge did not degenerate into a blood feud. But it could not be enforced in each and every case for to the tribe it was the direct disgrace to hand over one of its members into the hands of another tribe. In cases of¹ bodily injuries, talio was accepted.

Minor disputes over cattle, pasturage, springs or personal insults and other trivial matters were precluded² to a never-ending series of terrible inter-tribal battles or the 'Ayyamul-Arab'. These battles offered ample opportunities for plunder and manifestation of heroic deeds by championing the cause of the contending parties. Peace was restored on the intervention of a³ neutral tribe.

1. H.H.W. VIII p 291.

2. E.g. Banu Abs and Kalb fought over the use of a bank - Ibn Athir I p 211. The deadly war between the Bakr and Taghlib which lasted for over 40 years broke out on account of an injury caused to the she-camel of a guest of Banu Bakr - Ibn Athir I pp 187-93. The battles of Fujjar and Dahis and Ghabra are the other examples of - Ibn Athir I pp 204-12.

3. E.g. The Battle of Basus between the tribes of Bakr and Taghlib towards the end of the 6th century was concluded on the intervention of the king of Hira after full 40 years of blood-shed - Ibn Athir I p 193.

Hostility was embittered at the least provocation. The recital in prose or verse of an old ^{eu} fund was sufficient to rekindle the same passion among the members of the hostile tribes ¹. Practically every tribe had its blood enemies which it had to fight.

Some parts of tribal Arabia presented the features of Hobbes's state of nature as anarchy and insecurity reigned supreme there ². The tribes of Tay, Bakr, Asad, Khusham, Amir, Tameem, Abdul Qais and Qudhaa for instance, lived on plunder and raids ³. They ⁴ did not respect the sacred months or the 'Ashharul Haram'. The loot and plunder was so much prevalent that no commercial caravan could safely reach its destination ⁵ without the protection of an armed escort.

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1. The Poet Basr Ibn Abu Hazim recited defamatory verses against Aws - the chief the Jasilah ~~Tayfi~~. When the Bann Asad - the poet's tribe refused to surrender him (the poet) Aws invaded it and inflicted a crushing defeat upon it - Ibn Athir I p 229.
 2. The tribe of Bakr felt the necessity of a king in order to put an end to the era of anarchy and lawlessness. Consequently Hajr Ibn 'Amr 'Akil-ul-Mirar' was appointed as the king of this tribe. Similarly, on the request of Nazari tribes, the king of Kindah appointed his sons - Hajr, Madi Karb, Shurhabil and Salmah as their chiefs with a view to put a stop to the endless disputes and internecine feuds that were going on among them - Ibn Athir I p 182.
 3. Ibn Athir I pp 220-21, 231, 234, 238; KAfghani p 66.
 4. Kurd Ali 'Khutat-us-sham' IV pp 259-60.
 5. Ibn Habib 'Kitab-ul-Muhabbar' pp 263-8; Al-Af-ghani pp 71, 95, 106, 107, 167, 207, and 231.

"THE ARAB STATES AND KINGDOMS"

OR

**"THE POLITICAL CONDITIONS OF
THE SETTLED ARABIA"**

A number of city states and kingdoms had sprung in up in those parts of Arabia where the Ahlul madar lived.

The kingdoms of Himyar, Ghassan, Lakhm (Hira), Kindah and the city-state of Mecca are worth mentioning as they give a picture of the political conditions of settled Arabia.

(a) "THE HIMYARITE KINGDOM"

The southern Arabs were the first to enter the ^{of} three-hold of civilization. The felicitation of the position of their land - Yaman on the Red Sea and its indigenous produces - incense and myrrh marked it from times immemorial as the chief commercial centre.

The whole of Yaman and Hadhramawt was ruled over by the Himyarites upto 526 A.C. when it passed under the Abyssinian rule.

1. They (the Yamanites) had developed commercial relations with other parts of Arabia, Phoenicia (Iraq), Persia, India, Abyssinia, Syria and Egypt and transmitted to the Western markets the merchandise of the eastern countries. Genesis XXXVII: 26; I kings X:2,10; Ezekiel XXVII:22, Maqaddasi pp 197; Nadvi 'Arab wa Hind ke Thaluggat' p 73; A.C. I p 249; Strabo Book III p 35; E.Br. (11th edition) II p 264.

The king was the over-lord of the chiefs¹ of the tribes who had the Mahafids under them. He carried on the administration of the state in consultation² with them.

The Mahafids were divided into Qnsur with the Azwa or the Shaikhs³ as their heads and enjoyed considerable autonomy.

The Byzantine emperors keenly desired to bring this rich province of Arabia under their control and use it against the Persians - their old rivals. So the reigning emperor instructed the Negus of Abyssinia to annex it when reports of the persecution of his co-religionists i.e. the Christians of Najran by Zu Nawas - the last Himyarite⁴ independent ruler reached him.

Yaman was conquered by the Abyssinians and remained under their possession till 570 A.C. They (the Abyssinians) planned to give a serious blow to the central position of Mecca by building a rival shrine in Yaman in order to divert pilgrims.⁵ They also undertook an expedition to it (Mecca) with the deliberate purpose of demolishing the sanctuary of the Kabah in 570 A.C. just before the

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1. Hitti p 57; Hamdani 'Sifat' p 203.
 2. Vide Queen Bilquis of Sheba's speech; Ibn Athir I p 80.
 3. Zaidan 'Al Arab Qabl-ul-Islam' I pp 109-10, 133.
 4. Ibn Hisham I pp 24-6; 28; Tabari I pp 926-7, 930-1.
 5. Ibn Hisham p 29.

birth of the Prophet. But their whole army ¹ was perished.

The Arab folk embittered against the Abyssinian government united under the leadership of Saif Ibn Zu'ayn ² and sought the help of the Persians. The Persian emperor decided to champion the cause of the Arabs as he hoped to gain thereby Yaman as a reward for his active support and the Abyssinians were driven out of the South Arabia through his help. ³ But Yaman could not regain its lost independence. The Persian help meant for it simply the change of masters. The Persian rule over Yaman continued till the rise of Islam. ⁴ Thus, on the eve of Islam, this kingdom was quite incapable of giving any lead to the Arabian peninsula on account of its subjugation. It was the gate-way through which the foreign imperialist powers of the day - Byzantium and Persian tried to win the land of the Arabs over their culture and political systems but both of them failed to impress their stamp even upon its southern parts and much less on the other parts.

1. ^{Ibn Hisham} Ibid pp 31-6.

2. Ibid pp 41-2;

3. ^{Ibn Hisham} Ibid pp 43; Tabari I pp 946-50.

4. Basan was the last Persian governor of Yaman-
Ibid I pp 46; Tabari pp 958.

(b) "THE KINGDOM OF GHASSAN"

The Ghassanids were the descendants of the south Arabian tribe Asd. As their land lay on the frontiers of the Byzantine empire, they could successfully check the influx of the Bedouins. The Byzantine emperors, therefore, enlisted them in their service as their vassals and paid them for it. They (the Ghassanids) defended the imperial frontiers against the Persians and their clients- the Lakhmids⁵ acted as their agent.

Their kingdom was a military buffer state and played a prominent part in the endless struggles between the Persian and the Byzantine emperors. Harith Al Araj Ibn Jabalah the most illustrious ruler of this kingdom was created 'Patricus and Phylarch' by the Byzantine emperor and was appointed as the over-lord of all Syrian Arabs as a reward for his services. Between 544 and 580 A.C. the Ghassanids scored decisive victories over the Lakhmids.

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1. K.M. PP 46; Tabari pp 958.
 2. Kurd 'Ali I p 102.
 3. Isfahani p 76; C.M.H. II p 303; Gibbon IV p 365.
 4. Finlay I p 206.
 5. Kurd 'Ali I p 102; Ibn Athir I p 216
 6. Bury I pp 630, 631; Gibbon IVp 369; V p 207; Holmes II p 40, Finlay I p 261.
 7. He commanded considerable influence over the Arabs. It was he who put an end to the civil war among the members of the tribe of Tay - Ibn Athir I pp 195-6, 232; Kurd 'Ali I p 103.
 8. Ibn Athir I pp 194-7; Ibn Khaldun II p 281; Bury II p 98.

As the Ghassanids were ardent protectors of monophysitism, they incurred the wrath of their imperial masters. This led to a rupture between them. As they alone could successfully check the renewed influx of the bedouins into the imperial territories, the emperor patched up his differences with them. But this could not remove his suspicions. The Ghassanid chief and his son were arrested. Anarchy and confusion broke out in the Syrian desert and the Arab tribes chose their own chieftains. Some of them went over to the Persian side. At the dawn of Islam, there was no-where any political organization which deserved to be called a state with-in the boundaries of this (the Ghassanid) kingdom and it was quite incapable of influencing the political conditions of Arabia in any way.

The Quraish had developed commercial relations with the Ghassanids through the efforts of Hashim. The armed escorts of the Ghassanids protected their caravans in Syria.

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1. Bury II pp 3,6.
 2. Bury II pp 98; Kurd 'Ali I p 103-4.
 3. Hitti p 80.
 4. Ibid p 80.
 5. C.M.H. II pp 303.
 6. ~~Ibn Athir II p.~~

(c) "THE LAKHMID KINGDOM"

The Lakhmid or the kingdom of Hira was situated in the north - easterly province of Arabian ¹ Iraq. Its kings traced their descent from Asd.

As it lay on the frontiers of the Persian Empire and all the Arabs inhabiting ² Iraq were under its leadership, the Persian monarchs thought it ³ advantageous to bring it under their suzerainty. They traced ⁴ it as their vassal in order to defend their frontiers, use it against their old rivals.- the Byzantines and their vassals - the Ghassanids and control the Arabs by checking effectively their raids. They also subsidized its ⁵ kings and helped them in their wars against the Ghassanids. Munzir III - the most illustrious ruler of this kingdom was appointed as the Wali of Oman, Behrain, Yaman and the whole of Hijas by Anushirwan as a reward ⁶ for his services to the Sassanid empire. He was slain by

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1. Ibn Athir I pp 118; Asfahani pp 63-4; Ibn Khaldun p 259; Masudi III p 182; 'Tanbihah' VIII p 186.
 2. 'Mulukul Hira' p 120.
 3. G.M.H. II p 331.
 4. Ibn Athir I p 171.
 5. 'Mulukul Hira' p 120; Ibid: Ibn Athir I pp 154.
 6. Ibn Athir I p 154.

Harith Al Araj - the Ghassanid chief.¹ This incident was followed by the out-break of hostilities between the Persians and Byzantines.

This dynasty commanded such a great influence over the Persians that the Persian monarchs sent their sons to its royal court for training and instructions in military affairs and other manly sports.²

In course of time it lost its past glory and became an administrative district of the Persian empire. Its kings were appointed and deposed by the Persian emperor - Qubas, for instance, deposed Mansir Maunus Sama and appointed Harith - the king of Kindah in his place while Amushirwan reinstated Mansir.³

At the advent of Islam, Ibyas Ibn Qabisah was appointed as its amil and the system of Arab vassalage was abolished.⁴

The king carried on the administration with the advice and consultation of the chiefs of subordinate tribes.⁵ This kingdom was something of a Persian tinge.

1. Asfahani p 70; Gibbon IV pp 364-5.

2. Bahram son of Yasdgard was, for instance, brought up under Munzir Ibn Numan - the king of Hira and was trained by him in military affairs. In the 5th century A.C. Bahram V - a monarch of the choice of the Lakhmids was placed on the Persian throne - Tabari I pp 858-60; Ibn Athir I p 140.

3. Ibn Athir I pp 144, 152-3.

4. Ibid p 174.

5. Mulukul Hira p 120.

In its army, too, the Persian elements known as the Wadhai¹ were present. It was through this kingdom that the Persian emperors tried to import their political and cultural influences into Arabia but they failed in their attempts. Nevertheless this kingdom exercised considerable influence over the turbulent Arab tribes e.g. It was through the efforts of its chief that the bloody war² between the tribes of Bakr and Taghlib came to an end.

It had developed commercial relations with the Quraish and the other neighbouring Arab tribes. Hira was a big commercial junction as caravans from Persia, Oman, Bahrain, Yaman and Syria passed from here. The Lakhmid kings tried their best to help the merchants and safely escorted them to their destinations their Khifaras or armed escorts. In return, they received³ 'ushur from them.

(d) "THE KINGDOM OF KINDAH"

The central Arabian tribes had attempted in the 5th century to form themselves into a confederacy and gather round a common chief who was the only ruler of Arabia to receive the title of Malik⁴. This Union or

1. Mulukul Hira p 129.

2. Ibn Athir I p 193.

3. Al Afghani pp 323, 324, 325, 331; Tabari I p 2677.

4. Ibn Duraid p 218; 'Ibn Abd Rabbihi II pp 247-8.

kingdom lasted for about 160 years.

Harith was the ¹⁵most illustrious ruler. He was appointed as the ruler of Hira by Qubas - the Persian monarch for he had embraced Mazdakism which had received the imperial patronage. A treaty of alliance between him and Qubas was also drawn up and he promised to stop the influx of the Arabs into the Persian territory. He was also given the territory of the Sawad. The ¹Mazari tribes requested him to appoint his sons as their chiefs in order to put an end to the prevailing anarchy. Consequently, he appointed his sons - Hajar, Shurhabil, Madi Karb and Salmah as the chiefs of the tribes of Asad, Ghatafan, Bakr Ibn Wail, Qais Ibn ²Ailan, Taghlib, Zaid Ibn Manat and Tamem respectively.

After his death, his kingdom was divided among his sons but immediately ^acivil war ensued among ³them. The tribes regained their independence and the lordship of the kings of Kindah came to an end.

Thus the attempt to bring the self-sufficient tribes of central Arabia under one chief failed for Arabia was unsuited to monarchy or one common chief and was adverse to discipline and subordination. Anarchy and tribal feuds were ⁴rampant in this part of Arabia at the advent of Islam.

1. Ibn Athir I p 143.

2. Ibid p 183.

3. Ibid p 183-4; Ibn Khaldun II pp 274-5.

4. Ibid p 182.

(e) "THE CITY STATE OF MECCA"

From times immemorial, the sanctuary of the Kabah had given prominence and sanctity to Mecca. It was the religious centre of Arabia as Arabs from all parts of the country came to perform the devout pilgrimage. Each tribe had one of its several gods, in the Kabah - the national pantheon. The Quraish who were its custodians were looked upon as the national leaders of Arabia and enjoyed the most respectable position.

The annual market held at Mecca was the most delightful feature of the annual pilgrimage. It was followed by an annual fair held at Okaz in its neighbourhood. It was frequented by men of all condition from all quarters of Arabia and also from outside. Matters of national importance such as questions of war, peace, justice and revenge were discussed here.

Meccah was the most flourishing town of Arabia on account of its central position, ~~access-~~ *accessibility* and location on the main caravan route running north to Syria and Babylonia and in the south to Yaman and the shores of the Indian Ocean and the Red Sea. It offered an un-excelled opportunity for commercial activity and economic superiority and made it the biggest commercial centre of Arabia.

1. Al Afghani pp 242, 292.

As there was no industry in Mecca and the sterility of the soil about it had rendered agriculture impossible and trade was the only means of livelihood, the Meccans concentrated their whole energy and ability, to trade and surpassed all other Arabs in it.¹ They brought corn and other things from Syria and Yaman. Their caravan set out yearly to these countries in winter and summer for this purpose.²

They opened negotiations and concluded commercial treaties with Byzantium. Persian, Abyssinia and the Kingdoms of Ghassan, Hira and Yaman and obtained safe conducts and free passages for their commercial caravans.³ Armed escorts of these kings protected their caravans.

On account of the experience gained through their commercial journeys to Syria, Yaman and other countries,⁴ the Quraish became intellectually far superior to other tribes and had a wide mental horizon of men and political affairs.

That was one of the great reasons of the preminence of Mecca.⁵

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1. Al Afghani p 94.
 2. The Quran 104: 2; Ibn Sad I/I p 43; Tabari p 1089.
 3. Ibn Sad I/I p 43; 45; Ibn Athir II p 6; Ibn Habib pp 162-3; Al Afghani p 132.
 4. Al Afghani p 97.
 5. Hell p 14; C.M.H. II p 304.

From Mecca started caravans laden with valuable products of different foreign and distant countries and returned with other valuable merchandise.¹ It was centre of financiers, merchants and of speculators and was in the vicinity of a modern exchange. The influence of Byzantine, Persian and Yamanite coins and the complications of the old monetary system gave rise to the most lucrative business.² Foreign merchants and traders also lived in this city.³

Because of all this the possession of this city was coveted by the Byzantines, Persians and Abyssinians and attempts were made by them to bring it under their control.⁴

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1. Hell p 14; C.M. H. II p 304.
 2. Genesis XXVII; 26; II Chronicles IX:9; Ezekiel XXVII; 9; 'Arab wa Hind ke Talluqqat' pp 64, 65; Al-Afghani pp 47, 48, 49.
 3. E.I. III p 442.
 4. E.g. The Romans had built commercial godowns and thus had first hand information about the Arabs- 'Fajrul Islam' p 15; Al Afghani p 23.
 5. Some generations after Qasai, 'Uthman Al Hawarith - a citizen of Mecca and of the tribe of Asad embraced Christianity. The Byzantine emperor ordered the Meccenas to accept him as their ruler but they did not accept this innovation which to them was an infringement of their liberty. The emperor closed the trade routes for them and arrested the Meccan merchants who happened to be in his dominions at that time. He could not push forward his designs because of the war with the Persians- Ibn Hisham I pp 80-3- After the conquest of Yaman, the Persian were under the delusion that Mecca belonged to them. The cheartees, for

Contd. on next page

The city state of Mecca was a sort of merchant or oligarchic republic and was ruled by the ten clans of the Quraish i.e. Hashim, Umayyah, Naufal, Abdul Dar, Asad, Taim, Makhzoom, Adi, Jumah and Sahm on the eve of Islam. Each one of them held one or more departments which were honorary and hereditary and had thus some share in the administration. This was done with a view to maintain the solidarity of the Quraish. The principle of division of labour was acted upon.

One of the departments of the city - state was the Siqayah or water supply which was of vital importance to the Arabs. As the water was scarce in the city and also because every pilgrim required the sacred water of Zamzam, it was a lucrative job. Abbas the son of Abdul Muttalib held this office. The office of the Imarat-ul-Bait which meant the maintenance of the sanctity^{uay} of the Kabah by preventing abusive talks and quarrels was also held by him.

Contd. (5).

instance issued an order of arrest of the Prophet to his governor of Yaman and treated him as one of his subjects - Ibn Hisham I p 80.
The Abyssinians actually led an expedition to demolish the Kabah and thus put an end to the prominence of Mecca - Ibn Hisham I pp 80, 83.

1. Ibn Abd Rabbihi II pp 203; 204.
2. Ibn Hisham I p 114; Azraqi I 65; Ibn Abd Rabbihi II pp 203-04.

Uthman Ibn Talhah of the clan of Abdul Dar was incharge of the Sadanah and Hijabah¹ was the custodian of the keys of the Kabah.² As the custodian³ allowed the devotees to go inside the shrine,⁴ it was a source of great income to him.

The city-state of Mecca had a senate of elders which was a veritable popular assembly and met in its edifice built by Qusai known as the Dar-un-Nadwah for arriving at decisions over vital issues such as the declaration of war, terms of alliances and agreements² and defensive measures. Only the quadra-generian citizens³ could attend its sessions, but this was relaxed in some cases.⁴ Foreign guests, emissaries and allies were received and entertained and marriages and other rites were celebrated in this edifice.⁵ Commercial caravans started from here with merchandise and halted there on return journey.⁶ Its maintenance and up keep was entrusted to Banu Abdul Dar.⁷

1. Azraqi I p 65; Ibn Abd Rabbihi II pp 203.

2. Ibn Hisham I pp 80; Ibn Sad I/I p 39; Ibn Duraid p 97; Tabari I p 1097.

3. Azraqi I pp 64-5; Ibn Duraid p 97.

4. For instance Abu Mahal and Hakim Ibn Hazam were admitted therein because of their wise counsels although they had not attained the required age. Ibn Duraid p 97; Ibn Azraqi 'Tarikhi Damishq' IV p 419.

5. Ibn Hisham I p 80; Ibn Sad I/I p 397; Tabari p 1097.

6. Ibn Sad I/I 39; Ibn Hisham I p 85.

7. Ibid p 45.

Abu Sufyan Ibn Harb of the clan of J^ymaiyah was the custodian of the Uqab or the national flag in times of peace. He unfurled it as a call to mobilisation.¹ He became the virtual leader of the Meccan republic by his ability and political foresight.

If any compoundable crime was committed, the holder of the office of Ashnaq or the judge of the city-state determined the extent of the crime and valued the pecuniary liability. The whole city was bound by his calculation and the family of the culprit subscribed towards the amount. In the period just preceding Islam,² Abu Bakr of the clan of Taim acted as the Ashnaq of Mecca.

Banu Adi acted as the ambassador of the Meccan state and were incharge of the diplomatic activities. Before the advent of Islam, Umar held this post. In case of war³ dispute or where the priority of the Quraish was challenged he was authorized to carry on negotiations.

The religio-military duties of 'Ainnah or the privilege of conducting a horse by its reins when it carried deities on its back to the battle field and the Qubbah or the sacred canopy sheltering them in wars and equipping the armies at the time of war were performed by⁴ Khalid of the Banu Makhzum.

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1. Azarqi I p 66;
'Ibn 'Abd Rabbihi II p 203.
 2. Ibn 'Abd Rabbihi II p 203; Masruqi 'Al Az-Aunnah II pl 16'
 3. Ibn 'Abd Rabbihi II pp 203.
 4. Ibid.

Harith son of Amir of the Banu Naufal collected the Rifadah or the annual tax to feed the pilgrims at the time of Hajj from the citizens of Mecca.¹

The large offerings which were made to the Kabah by the pagan piety of the pilgrims constituted one of the big sources of income. Its administration was in the hands of Harith ibn Qais of the Banu Sahn.² This office was known as the 'Anwal-ul-Muhajirah'.

The guardianship of divining arrows or Azlam for ascertaining lucky or unlucky moments or learning the wishes of gods as to whether the Meccans should undertake certain actions as they were extremely superstitious belonged to Safwan Ibn Umayyah of the Banu Jamah.³

The annual pilgrimage was followed by the annual fair which was attended by merchants from all parts of Arabia, Syria, and Egypt.⁴ In order to save the country from the horrors of the prevailing internecine war, the institution of the months of general truce was established. War was forbidden during the months of Rajab, Zu Qadah, Zul Hijjah and Muharram. It was largely

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- In Abd Rabbihi II p 203*
1. Ibid: Ibn Hisham I p 83; Asraqi I pp 62-3; Tabari I p 1099; Ibn Sad I/I p 41.
 2. Ibn Abd Rabbihi II pp 204.
 3. Ibid.
 4. Asraqi I pp 107; Ibn Hisham pp 282-3; Ibn Sad I/I pp 145.

because of the influence of the Quraish - the accredited leaders of the Arabs that the period of truce was universally respected throughout the peninsula. But the war-loving Arabs felt the restraint imposed during three successive months of truce - Zu Qadah, Zul Hijjah and Muharram too burden-some so the device of interchanging the months of Muharram and Safar was employed. The difference between the lunar and solar months was made up by adding an extra month to the usual 12 months every third year and interchanging it between Muharram and Safar. This was known as 'Nasi'. Fighting was, thus, made lawful during Muharram. It was declared with ceremony by an officer known as the Qalammas who belonged to the Banu Fuqaim in the month of Zul Hijjah that the next month would be a profane month and the truce would not be observed. It resulted in great hardships to those who intended early departure for they were in danger of being raided and harrassed by the bedouins. So the Quraish invented the device of well-armed escorts or Khifarahs in order to protect the pilgrims and the merchants and conduct them

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1. It will be not out of place to mention here that the Popes tried to put an end to the prevailing anarchy of Europe at the time of the crusades by instituting 'Truce of God' It was nothing but an imitation of the Arab practice.
 2. Asraqi pp 118-9; Ibn Hisham pp 29-30; Tabari pp 1134; Mazruqi I pp 88-9.
 3. Al Afghani pp 106-07; 167.

safely to their destinations. They employed their allied tribes for this purpose.

Then again on account of the illtreatment of a south Arabian who had come to Mecca, the elders of the town entered into a solemn engagement to offer help and protection against every act of injustice and oppression and formed a Hillfal Fudhul or a League. The stranger enjoyed at Mecca and its neighbourhood perfect security of person and property. At a time when the right of might prevailed and the plunder of a caravan was regarded as an honourable means of livelihood, it was no mean achievement.

The Rifadah or the annual tax to feed the pilgrims was the main source of income of the city-state.

The custom duty which the foreigners had to pay on their goods and the offerings to the Kabah constituted other sources of income of the city-state.

M. H. Ghani
1. Ibid p 95.

2. Ibn Hisham I pp 90.

3. Ibid p 83; Tabari pp 1099; Ibn Sad I/I pp. 41.

4. Azraqi I pp 40, 101; Ibn Sad I/I pp 39.

"THE JUDICIAL SYSTEM"

Judiciary was concerned with crimes and torts only. Usually the chief of each clan was its¹ arbiter and magistrate.

The parties to a conflict often brought their disputes to the council of tribal elders and a summary verdict was pronounced after hearing both the sides. When the decision was executed with the help of² commoners, the crime was buried and no appeal lay to its judgment. If the case was too complicated to be grappled with by the simple and crude tribal tribunal, it was referred to some Kahin of inter-tribal fame whose replies used to be ambiguous and the parties bowed to his judgment. His decisions were considered as a divine³ judgment and no appeal lay against them. The Ashnaq dealt with compoundable crimes and determined the value of the⁴ pecuniary liability.

"THE MILITARY SYSTEM"

The standing army of Mecca consisted of the Meccans and their allies. The armed escorts employed for

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1. Yaqubi I pp 300-
- For the Arabs 'to rule' (^{قضى}) meant to arbitrate and decide- 'Lisanul Arab' IV p 30.
 2. Qalqashandi I pp 398-9.
 3. ~~E. I. II pp~~ *Ibn Hisham* P. 36
 4. Ibn Abd Rabbihi II p 203; Masruqi II p 167.

the protection of pilgrims and merchants were also a part of their military system.

Each clan had its own army consisting of all the able-bodied adult male members. Each fought under its own banner. There was no permanent supreme commander. A ballot was taken among the heads of the respective clans and one was elected as a chief be he a minor or adult till the duration of war. By this curious institution of 'Halwan-un-Nafar' a way-out was found of not having a king or chief in the city-state. In the battle of Fajjar, for instance, 'Abbas Ibn Abdul ¹Mattalib who was a mere child was selected as the chief.

"GENERAL POLITICAL CONDITIONS OF
ARABIA ON THE EVE OF ISLAM"

Considered from the political point of view Arabia was split up into countless independent and self-sufficient tribes. The clan spirit or 'Asabiya' and the spirit of isolation had made political unity impossible. The very idea of a central authority was almost unintelligible to the Arabs. The country was in a state of anarchy-tribes versus tribes, of clan versus clan and even individual versus individual. The enfeebled relics of the old kingdoms of Himyar, Hira and Ghassan had sunk into

1. Ibn Abd Rabbihi II p 204; Tabari I pp 1710.

Persian or Byzantine vassalage and exerted little authority even within their own ancestral limits. They had failed to influence the rest of the country.

In Hijaz, Yaman, ^{Oman} ~~Oman~~ and Najd and northern Arabia had sprung up the independent city-state of Mecca, Yathrib, Taif, Yambo, Jarsh, Sana, Sahar, Daba, Hajar, Fadak, Daumat-ul-Jandal, Khaibar and Wadi-ul-Qura.

The Quraish who were looked upon as the leaders of the Arabs could not assert themselves in founding the nation-state.

But the position of these autonomous communities was not fundamentally different from the European states from the point of view of the applicability of an inter-national law for it requires for its development the existence of independent political communities and these Arab communities were fully independent. They waged wars, concluded treaties and administered justice as any other full-fledged state.

Despite the perpetual strife, the Arabs managed to live a peaceful life. The institution of the months of the truce of God was evolved to mitigate hardships which the un-allied tribes or individuals had to face.

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1. E.g. It was largely on account of their influence that the months of truce of God were universally respected throughout the Arabian peninsula.

The escort system was another device of saving life and property in those days of insecurity. It embraced almost the whole country from Mecca to Yaman and Dumat-ul-Jandal to Maharah.¹

The system of pacts (^{عقود}) was another item of the law of nations developed by the Meccans. They had obtained charters from the rulers of Byzantium, Syria, Abyssinia, Persia, Yaman etc., in order to bring commercial caravans to their respective territories safely. They, on their part, promised to many tribes inhabiting on their trade route, to these different countries to carry their goods as agents without commission for commercial purposes or otherwise concluded treaties of friendship and immune transit through their respective territories. The services of this organization were available even to people of foreign countries on payment of necessary remuneration.²³

The Arabs sent enveys to foreign courts and foreign ambassadors came to Arabia.⁴ Umar was the

1. Ibn Habib pp 263-8.

2. Yaqubi I pp 280; Ibn Sad I/I pp 43, 45; Tabari I pp 1089.

3. Ibn Sad I/II p 32.

4. E.g. The Yamanites sent an envey to Ctesiphon to ask for the Persian help against the Abyssinians. The Meccans to twice sent enveys to the court of the Negus against the Muslim refugees. - Yaqubi I p 187.

Ibn Hisham pp 217-21.

hereditary ambassador of Mecca and wherever there was a war, he was sent as the envoy plenipotentiary. It was he who went and replied when a foreign tribe challenged the priority of the Quraish¹. The person of the envoy was always considered inviolable.²

Strong tendencies were also working for a centralised unity. The escort system had embraced the whole peninsula from Mecca to Yaman and from Dumatul-Jandal to Mahara.³ Thus a sort of economic federation had been established in the country. It was through this system that the merchandise from India could be safely

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1. Ibn Abd Rabbihi II p 45.
 2. Mabsoot I p 92.
 3. As is evident from the following sequence of fairs:-

<u>No. of month</u>	<u>Dates</u>	<u>Place</u>
1.	10 -30	Khaibar
3.	1 -30	Dumat-ul-Jandal
6.	1 -30	Al Musbaggar (Bahrain)
7.	20 -25	Suhar (Oman)
7.	30	Daba (Oman)
8.	15	Shihr (Maharah)
9.	1 -10	Aden (Yaman)
9.	15 -30	Sana (Yaman)
11.	15 -30	Rabiya (Hadhramawt)
		as well as Okaz (near Taif)
		simultaneously.
12.	1 -8	Zul Majaz (between Okaz and
		Mecca)
12.	9 -11	Mina (place of Hajj, just
		outside Mecca)

sent to the European markets. Some of the tribes earned their livelihood by providing the guides to different caravans and undertook to safely carry the latimah or the merchandise of the foreigners to the markets on payment.

A number of fairs were held in the different parts which meant a tour of the whole country from north to east; from east to south, from south to west and from west to north. These fairs brought a large number of persons from far off parts of the country and even from abroad. The Arabs and non-Arabs came into contact with each other and received cultural influences. The Arabs carried commercial

1. In Europe, on the other hand, trade was looked upon as national monopoly up to the 18th century. No foreign merchant could carry the merchandise. He was either killed or enslaved.
2. The latimah of the king of Hira was, for instance, carried by the Arab tribes of Hira to Okaz, Khaibar and other Arab markets and fairs - Al Afghani pp 167, 243-4, 307, 327. The latimah of the Persian Emperor was carried to Mushaqqar and Hija-Al Afghani pp 167, 205, 214-5.
3. The Quraish attended the fair of Daumat-ul-Jandal, Rabiya, Khaibar and Hira. Okaz was attended by the tribes of Aslam, Ghatafan, Hawazin, Khuzaa, Mustaliq etc. The fairs of Daumat-ul-Jandal, Mushaqqar, Hija, Daba, Suhar, Sana, Zul Majaz, Bagra, Dair Ayyub and Hira drew Arabs from all parts of Arabia - Ibn Habib pp 264-7; Al Afghani pp 199, 204, 214, 220, 222, 238, 242, 300, 314, 320, 321, 323. The fairs of Mushaqqar, Hija, Daba, Shihr, Aden and Hira were attended by merchants from Persia, India, Abyssinia, China and Egypt - Al Afghani pp 207, 214, 220, 228-9, 230, 232, 324.
4. The markets of 'Oman and Hira, for instance, were the cultural centres. Persia and it was at these places that the Arabs received Persian influences - Al Afghani pp 219, 326.

caravans to the Persian and Byzantine territories and came to know of the conditions of those countries fully well. Their commercial and cultural relations with the other countries developed among them ambitious² and broad mindedness.

Common arbitration was another evidence of centripetal tendency of Arabs. The chief of the tribe of Tamem were the national arbiters. They decided cases at the fair of Okaz.¹ Arbiters, soothsayers or Kahins and other diviners were resorted to by all persons irrespective of tribe and clan.²

The Arabs had also developed inter-national laws³ of peace e.g. asylum or quarter and refuge,⁴ extraditions⁵ and even the laws of ship-wreck.

The laws of war were much more developed e.g. declaration of war,⁶ treatment of every persons and

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1. Mazruqi II p 167; Naqais-e-Jarir p 139.
 2. E.g. "Amir Ibn Az-Zarib dealt with cases from all parts of Arabia for arbitration. Ghaylan Ibn Salmah of the tribe of Thaqif used to attend once a week to arbitration between litigants. - Ibn Hisham I pp 28-9; Ibn Duraid p 164, 172; Ibn Kathir II p 206; Mazruqi II p 79-80.
 3. Tabari I p 1203.
 4. The Quraish sent an embassy to the Negus demanding the extradition of Muslims who had migrated from Mecca to Abyssinia - Ibn Hisham pp 211-2.
 5. Asraqi I pp 106-7.
 6. Kitab Bakr wa Taghlib (M. S.) quoted in Hameed-ul-lah's 'The Muslim conduct of State' p 59.

property, prisoners of war,¹ distribution of booty,²
special privileges of the commanders,³ hostages, truce⁴
and armistice and parleys⁵ were treated in a more or
less regularised manner. Laws of neutrality were not
unknown to the pre-Islamic Arabs. The emperor Decius
(de 351 A.C.) concluded a treaty of neutrality with
Thalabah - the Ghassanid chief.

During the war of Basus, many branches of Bakr
remained neutral and did not take any part in the war.⁶
Similarly some Taghlibites clans, too, remained neutral.⁷

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1. Tabari I p 2207; Aghani XIII p 47.
 2. 'Tajul 'Uroos' V p 340.
 3. Tabari I p 1710; Tajul Uroos V p 340; Mabsoot I p 9.
 4. ~~Naqaish Jarir wal Fardaq' pp 93, 462.~~
 - 5.4 Yaqubi I p 314.
 - 6.5 Bakr wa Taghlib MSS XXI quoted in 'Muslim conduct of State' p 59.
 - 7.6 Ibn Habib pp 371-2.
 - 8.7 In the battle which raged between the tribes of Khuzamah and Jurham, the Ismailites and Mudhar⁸ one of the Jurhamite chiefs remained neutral. After the death of the Qusai, rivalry divided his sons. All the local tribes joined with one or the other but two tribes remained neutral - Aghani XIII p. 110; Bakr wa Taghlib (M.S.) quoted in Muslim Conduct of State p 290; Ibn Athir I p 190; Aghani XIII p 110.

But these tendencies were not strong enough to pave the way for national unity. Tribal individuality and clan spirit defeated all centripetal tendencies. The Byzantine emperor, for instance, attempted to instal his protoge - 'Uthman ibn Hawarith¹ on the throne of Mecca but he failed in his attempt. The confederacy of Kindah was only short lived and broke up with the death of Harith. The country was badly in need of a central government.

(f) "THE POLITICAL CONDITIONS OF THE
BYZANTINE EMPIRE"

Justinian had been dead 5 years before the birth of the Prophet. The government of the Byzantine empire did no longer remain Roman. The Senate which once had the upper hand in the affairs of the State had become an entirely worthless body. It had been deprived of its judicial functions and legislative powers. As a consultative body it still possessed considerable influence. It tried political crimes, elected the emperor and decided the question of succession but it had become so corrupted that the opinion of its members could be easily purchased by the emperor.²

The emperor had become absolute and absorbed into himself all powers which had been primarily enjoyed by the Senate and people under the early Roman empire although he

1. Suhaili I p 146.

2. Bury II pp 17-8; H.H.W. VII pp 137, 139, 141, 152.

was even now elected by the Senate and the army and the choice was ratified by the acclamation of the people. He was the representative of "Caesare-papic^om". He received the diadem from the hands of the patriarch of Constantinople and acted as the defender of the Church.²

Under Justinian the laws of the ancient Rome were revised and Codified by the learned men of law,³ but the administration remained very corrupt.

Public offices were openly sold. Merit was discarded and favourites even of humble and low birth were appointed to highest posts. The actual administration had become the house-hold affair of the emperor.⁴

The taxation system was the worst. The land-tax constituted the main source of income of the empire. It was injudiciously imposed and oppressively collected. The poor cultivators had to renounce their lands. They often transferred it to large landowners. If any district remained insolvent, the property of the wealthiest citizens was confiscated by the emperor and these persons were thus utterly ruined. In case of non-payment of taxes, even vine-yards were rooted out and buildings were destroyed.

1. Ibid. Bury II pp 17-8, H.H.W VII pp 64-5, 137, 139, 141/152

2. C.M.H. II p 5: H.H.W. VII pp 64-5, 137, 139, 141 & 152.

3. Bury II pp 339-40; 341; C.M.H. II pp 38, 52, 59-62;

4. C.M.H. II pp 3, 49-50.

The peasant proprietors had also to furnish horses and post boys for the state mails and post. The cultivators were simply the instruments for feeding the imperial court and army. Their distress was further aggravated by the injustice of weights and measures. Heavy custom duties¹ were levied for exports and imports. Monopolies checked fair competition in the field of Industry.

The emperor Tiberius who was an enlightened² despot abhorred to extract gold from his subjects. But he, too, could not exterminate the vices which had crept in the imperial machinery.

The emperor Maurice tried to establish a perfect democracy of reason and virtue. But even this benevolent despot's justice was not exempt from cruelty and his clemency from weakness.

People were divided into three castes. The corule caste which consisted of landed proprietors who could neither join the army nor enter into any kind of commercial transaction, the tributary caste or those free men who did not possess land and paid the capitulation tax and the members of various guilds the membership of which was hereditary and the military class. None of these³ classes escaped the terrible policy of taxation.

1. Finlay I pp 3,4,281; Bury II pp 348; C.M.H. II pp 3,37,50.

2. C.M.H. II pp 272-4, 276.

3. C.M.H. II pp 223.

The military consisted of rudest and the most ignorant peasants.¹ Mercenaries formed its most valued portion. The neighbouring princes also furnished a number of their best warriors.²

The powers of the subordinate offices who always disputed the orders of the Commander-in-Chief had been curtailed by Justinian.³ But this reform severely injured the efficiency of the army.

Provincial militia had been disbanded. It was also dictated by a plan of financial reform. But its effects proved to be highly detrimental to the imperial interests. The sole aim of Justinian in carrying on all these reforms was to render all public burden uniform and systematic and introduce the principle of centralisation.

Foreigners were preferred as the occupants of highest military commands. Consequently the barbarian manners and habits were imitated in the imperial army. It also hastened the decay of the military art of Byzantium.⁴

In order to safeguard the imperial interests, Justinian along with his successors kept the people

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1. ^{C.M.H. II} Ibid p 17, 21-2; H.H.W. VII p 101.
 2. C.M.H. II p 17, 21-2.
 3. Ibid pp 11, 13, 32.
 4. C.M.H. II pp 11: H.H.W. VII pp 104, 105.

living on the frontiers i.e. the Arab tribes in check by subsidizing them. Thus the Ghassanids who commanded¹ considerable influence over the Arabs living in Syria were subsidized and their chief² was appointed as the overlord of the Syrian Arabs. In return, they served the Byzantine emperors faithfully and defended the imperial frontiers³ both against the Bedouins and the Persians.

Whenever any occasion arose, the emperor interfered in the internal affairs of Arabia proper. For example, Uthman Ibn Huwarith - a citizen of Mecca received the support of the Byzantine emperor. in his⁴ ambition to become the king of Mecca. It was his (the emperor's) ardent desire to bring Yaman the rich province of Arabia under his control. He instructed the Negus of Abyssenia to annex it when reports of the⁵ persecution of the Christian of Najran reached him.

In Justinian's regime the Persians broke through the defensive line and contributed to the destruction of some of the most flourishing portion of the Byzantine empire. Both the empires - the Byzantine and the Persian — were equal in power and civilisation. Both of them

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1. E.g. Harith Ibn Jabalah - the Ghassanid chief brought about a truce among the members of the tribe of Tay-Ibn Athir I p 232.
 2. Kurd Ali I pp 102, 103; Finlay I p 205.
 3. Ibid pp 102.
 4. Suhaili I p 146.
 5. Ibn Hisham I pp 24-6; 28; Tabari pp 926-7, 930-1.

effected a wasteful expenditure of the national resources by the consumption of lives and money of their subjects in endless struggles for expansion and domination which brought out very little change in their relative military power and none in their frontiers. The first of these wars took place in the period between 528 A.C. and 562 A.C. Truce was purchased by the Byzantines on paying a sum of money to the persians. In these wars, the Ghassanids fought on the side of the Romans.

In Tiberius's¹ reign, the Romans were victorious. But these campaigns weighed heavily upon the Byzantine treasury and resources.

The society was divided into two main factions the Green and the Blue. There was a constant conflict between the two parties. It invaded the peace of the families. and divided friends and brothers. The support of one of these factions was necessary for every candidate for civil or ecclesiastical honour. The Blues championed the cause of orthodoxy and Justinian. Lawlessness prevailed. Judges had to revise their sentences on account of the threats of one faction or the other. The Greens² were persecuted and deserted by the magistrate.

1. Maurice enjoyed the glory of restoring the Persian Monarch to his throne and of becoming his adopted father - C.M.H. II pp 7-8, 28-9. 30, 274, 280.

2. H.H.W. VII pp 1, 8, 26, 51.

It was an age of ^gint~~olerance~~eration and religious persecution. No opinion was allowed to be ^{held}taught except such as was allowed by license on behalf of the imperial authorities. All that was against the personal religion of the emperor was termed as heresay and those who followed it were persecuted. The monophysite Christians were persecuted. People were converted by force to Christianity.

The conquest of Yaman by the Abyssinian^s towards the close of the 6th century marked the political triumph of the Byzantines over the Persians as it (Yaman) was sure to support them in their struggle against the Persians. But the victory was short-lived and failed to leave any deep impression on Arabia. Anushirwan annexed Yaman in his own territory after driving out the Abyssinians.

The Arabs especially the Quraish had succeeded in obtaining commercial concessions, free passage and armed escorts for the protection of their commercial ¹caravans in Syria from the Byzantine emperor. But they were not considered as equals. They were ill-treated. They could travel only through particular or stipulated areas and could not go every where. They could not buy each and every thing. They had to pay a high custom duty. This humiliating policy of Byzantium went to develop anti-Byzantine feelings among the Arabs.

1. Ibn Sad I/I pp 43-5.

(G) "THE POLITICAL CONDITION OF
PERSIA ON THE EVE OF ISLAM"

Before the advent of Islam, Persia was under the enlightened despotic rule of the Sassanids. The highest degree of centralisation and the foundations of a state religion i.e. Zoroastrianism were the two most¹ distinguishing features of this empire.

The Persians were divided into five distinct classes or castes of priests, soldiers, officials, craftsmen and farmers. The first three constituted the upper classes and were definitely separated from the lowest caste. No members of the lower classes could become the members of the upper classes.

The Mobedan-i-Mobed was the Pope of the Zoroastrian world. He issued decrees in all theological matters, appointed and dismissed priests. He was appointed by the emperor. He was the adviser of the emperor in religious matters. The influence of the priestly class² was extra-ordinarily strong.

The seven great houses including the royal house constituted the highest aristocracy of Persia. From there were drawn the generals, crown officials and governors.³ Below these houses were inferior nobles, the Dihqan and

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1. Rawlinson 'The Seventh Oriental Monarchy' pp 439, 622.
 2. Rawlinson pp 636-7; Christensen pp 127, 153.
 3. Rawlinson pp 655;

the aswar or the knights.

Federalism prevailed and the empire was divided up into a number of provinces under Marzbans¹ or satraps² who held their office directly under the emperor. The emperor was the over-lord not only of provincial Governors but also of vassal princess like the king of Hira in Arabia. He was the symbol of Political unity and the main spring of the government. His will was considered to be guided by God and bound up in His law. Although he was strong enough to break up the nobility³, he utilised its services and promoted its interests while the nobles sought his favour and helped him by men and money.

At the hierarchy of offices was the Imperial Cabinet which consisted of the grand Wazir or the Hazarbad; the mobedan-i-mobed, the guardian of the sacred⁴ fire, the commander-in-chief and the chief secretary.

The reign of Qubaz I had witnessed the rise⁵ of a communistic sect under the leadership of Mazdak.

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1. Christenson p 145; Rawlinson pp 439.
 2. Ibid.
 3. Christensen p 145.
 4. Rawlinson pp 637, 642; Christensen pp
 5. Ibid pp 342.

The causes of the rise of the Mazdakite communism were largely economic. The peasants were in the most miserable plight. They were bound to the soil and were no more than serfs. The doctrines of Mazdak fascinated and spelled them.

The first of Mazdak's doctrine was that the people should possess their property and families in common. It was an act of piety that pleased God. He had placed the means of subsistence in the world in order that his servants might share them in common but men had wronged in this respect. He declared that he would take property and women from the rich and give it to those who had little at the expense of those who had much. The¹ community of property and of wives was thus preached.

Mobs seized this opportunity and forcibly deprived the rich of their dwellings, women folk and property. Soon things came to such a pass that the father did not know the son nor the son his father. This movement aimed at the removal of class distinction and abolition of marriage. A social² revolution took place and the upper classes suffered most.

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1. 'Siyasat Namah' pp 143, 147; Tabari pp 885-6, 893; E.I. III pp 430, 431-3; E.R.E. VIII pp 508-9; Rawlinson pp 342-3.
 2. 'Siyasat Namah' pp 143, 144, 145, Dinawari p 65; Tabari pp 885-6; 893; E.R.E. VIII pp 508-9; E.I. III pp 403, 431-2; Rawlinson pp 344-5.

The nobles were opposed to Qubaz. The new movement went to strengthen his power as it had broken up the power of his opponents - the nobles. So he joined hands with the Mazdakites. He was deposed but soon he regained his throne. The Mazdakites enjoyed the royal patronage.¹

The year 528 or 529 saw the massacre of the Mazdakites on a large scale by Anushirwan who was bitterly opposed to them.² Such effective measures were adopted that Mazdakism vanished from the world. In the early years of his reign, Anushirwan took effective measures to remedy the most shameless vices which had found their way in the Persian society as a result of the violent application of Mazdakism. He restored the ownership of land and peace and order in the social life of the empire.³ He was renowned for his justice.⁴

He tried to remove the state of corruption and insecurity.⁵

Before him, the land tax worked badly owing to the exaction of the tax-collector and caused much waste.

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1. Rawlinson pp 344, 346, 348, 342, 364, 365.
 2. 'Siyasatnamah' pp 154-5; Rawlinson pp 364-5.
 3. Rawlinson pp 381.
 4. Masudi II pp 97; 'Nihayatul-Irab' p 222; Rawlinson pp 455, 456;
 5. Rawlinson p 438, 439, 443.

He substituted it by a fixed payment in money and in kind varying from one-sixth to one-third of the gross produce for each plot of the cultivated land. Another tax called Gazi¹et or Jizyah was also levied on the Jews and Christians. There were taxes on fruit trees and houses. It was customary to offer sums of money to the emperor on the two equinoctical festivals.

Conscious legislation was rare in these days. The word of the emperor was law. The College of Mobeds often did the work of law-making and fined those who trans-gressed the law. Crimes of apostacy and treason were punished with death. Frequent recourse was taken to inhuman penalties such as blinding, crucifixion, stoning and starvation.²

It was an age of intolerance and religious persecution. The catholic and monophysite Christians³ were persecuted and compelled to become Nestorians.

Yaman, 'Oman and Bahrain had been annexed by the Persians on the eve of Islam.⁴ and thus the Persian influence had extended upto the shores of the Arabian Gulf. The Persians now confronted the Byzantines along with the whole line of their eastern boundary.⁵

1. Christensen pp 488- Rawlinson pp 441, 442; Mas'udi II p 204
2. Christensen pp 406; E. Br. IX pp 585.
3. Rawlinson p 451.
4. Tabari I p 98; Rawlinson p 426.
5. Ibid p 424.

The tribe of Bakr was under the Persian influence and supplied food-grains to the Persian army.¹

The Persian monarchs sent their 'latimah' or goods for sale to the fairs of Mushaqqar, Hajar, 'Oman and Hira. These fairs were under their control and the governor of these places were appointed by the Persian emperor. They collected the 'Ushur² or the custom duty from the merchants.

³ These were frequented by the Persian and Arab merchants. At these fairs the Arabs came in contact with the Persians and received their cultural influence. The Quraish had obtained safe conducts and free passages from the Persian monarch. But they (the Persian monarch) followed an anti-Arab policy and ill-treated the Arabs which resulted in the battle of Zi Qar.

A few Arab such as 'Adi Ibn Zaid of Banu Tameem who along with his brother - 'Ammar and 'Amr resided in the Persian court had adopted Persian habits and practices.⁴ But most of the portions of Arabia remained un-affected.

In the reigns of Anusheerwan the two contemporary empires - the Persian and Byzantine empires were in close

1. Rawlinson p 424.

2. Afghani pp 205- 207, 208, 214, 215, 218, 219, 220, 221, 323-4, 326, 328, 331.

3. Al Afghani pp 181, 214-5, 218, 324, 326, 327.

4. Ibn Athir I p 171.

contact both in peace and war. In these campaigns, the Persian monarch was supported by the Lakhmids of Hira who always fought the Ghassanids - the vassals of Byzantium. These bloody and fierce struggles continued till the rise of Islam. The Lakhmids were subsidized by the Sassanid emperors as they successfully checked the inroad of the Bedouins. In the period preceding Islam these rulers were appointed by them.

In 575 A.C. Anushirwan assisted the Arabs of Yaman in their struggle against their Abyssinian masters who were the allies of Byzantium. Yaman passed under his suzerainty. The long coveted desire of the Persian monarchs to extend their control to Arabia was thus fulfilled.

The internal conditions of Persia were very insecure. Civil wars had ensued. After ^{Anushirwan} ~~Nushirwan~~ puppets were raised to the throne and deposed. Khusraw ascended the throne only through the help of the Roman emperor - Maurice. The empire was on the verge of collapse.

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1. Rawlinson pp 461-6.
 2. Ibn Athir I pp 171, 173, 174, 175.
 3. Rawlinson pp 425-6; 431-3.
 4. Ibid pp 471, 472, 479, 480-91.

^S
"CONCLUSION"

The Byzantine and Persian empires dominated the civilized portion of Europe, Africa and western Asia before the rise of Islam. But both of them were incapable of giving any lead to humanity groaning under the shackles of tyranny, immorality, injustice and irreligiousness. Mis-rule and corruption were the characteristic features of their administrative machinery. Decadence and decline had set in.

In China, the illustrious Tang dynasty could no longer remain free from barbarians and had to spend its energies in defending itself against the deadly invasion. The pomp and glitter of the Tangs had in it the seeds of decay. There were no traces of unity and peace. China was too much pre-occupied to give any lead to the world.

The beginning of the 7th century was an epoch of disintegration. Great necessity was felt of a more organic revelation of divine government than attained by any religion or any other political system or social order. Never in the history of the world was the need so great for the appearance of a deliverer.

Islam at this precise and psychological moment appeared at the world stage with a detailed and minute code of conduct and a new and inspiring message of life.

" CHAPTER 'II' "

THE ORGANIZATION & STRUCTURE OF THE
ISLAMIC STATE IN THE DAYS OF THE
PROPHET:

Prophet Muhammad's doings and sayings in short his whole life is to be thoroughly studied in order to know how he implemented the Quranic injunctions in practice when he wielded political power. The precedents of his practices are nothing but further elaboration and illustration of the Quranic injunctions.

Next to the Quran, these form the source and basis of the Islamic polity.

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1. The Holy Quran 53: 3-4; 59:7.

**"THE PROPHET AS THE HEAD OF THE ISLAMIC
STATES"**

At Yathrib begins the career of the Prophet as the head of the Islamic State. In the short span of 10 years, Yathrib became the metropolis of a state extending over an area of a million square miles.

The first community of Islam with sovereign power was established by the Prophet upon the basis of religion which was equally binding on all. All organizations on a theoretic basis before Islam had been limited¹ by the narrow conceptions of tribal homogeneity. In this new community all tribal differences were levelled down and the theory that all members should share pain and pleasure to the same extent was fully practised. Before the world the dazzling spectacle of an idealistic but nevertheless severely practical state or commonwealth was unfolded.

Before the advent of Islam, life was impossible at Yathrib. The citizens were divided into two hostile and warring tribes of Aus and Khazraj.² For the

1. E.g. in the early theocratic state of the Jews, the ruler was considered to be the God of the children of Israel alone.

2. Bu 63; 1, 27, 46; Ibn Sad I/I p 147.

past 120 years hostilities were going on.¹ Every thing was insecure and unsafe. People were tired of this suspense and uncertainty. The necessity of an orderly government was keenly felt by the citizens of Yathrib. A number of them united with the other for the preservation of life, liberty and property by embracing Islam and entered its divine civil society. They were united as the members of the Muslim community. They made the covenant with God and accepted His sovereignty and swore allegiance to the Prophet.

The contract into which they had entered had further taken three steps in its fulfilment. In the first place, the laws of Islam or the divine laws of nature were promulgated at Yathrib, in the second place, the leaders or the representatives of the tribes of Aus and Khazraj entered² into a definite covenant of protecting the Prophet and in the third place, each citizen welcomed him as his saviour.

According to the interpretation of the contract in Locke's sense, the Muslim community was created in Yathrib after the first contract and by the second

1. Ibn Sad I/I p 147.

2. Ibn Hisham I p 275, 277.

contract a governmental contract was made by which the Prophet became the chief authority of the city - state of Yathrib and appointed nageeb¹s over the tribes of the town to carry on administration.

The first contract was between God on the one side and the citizens of Yathrib and their ruler in the Prophet² on the other side for the acceptance of the true religion. The parties to the second contract were the Prophet and the nageeb³s or the representatives of the citizens of Madinah.^{or yathrib} The Prophet, on his part, declared that he was heart and soul⁴ with them. As they had pledged to support him through thick and thin, he, too, would fight their enemies.

The Muslims of Mecca migrated to Yathrib in accordance with the orders of the Prophet. He also reached there. Yathrib or Madinah-at-un-Nabi as it was called now was the best place for migration. It was well-fortified which rendered it almost impregnable.⁴ It lay on the route of the commercial caravans of the Quraish⁵ to Syria. Muslims could close it and this proved to be the most effective weapon in their hands

1. Ibn Hisham I pp 276, 277.

2. The majority of the citizens of Yathrib accepted Islam at the hands of Musab - the Deputy of the Prophet at Madinah - Ibn Hisham I p 269-70, 272-3.

3. Ibn Hisham I p 276.

4. The Prophet called it " ^{عاصية} " Ibn Sad II/I p 26.

5. Ibid p 2.

against their enemies. Moreover at no other place such a large number of persons had embraced Islam. Not only the residents of Yathrib but a number of tribes around it had also accepted it. Thus from strategic, economic and political points of view, Yathrib was the best choice.

The Madinite Muslims were designated as the Ansar or the helpers with a view to do away with the existing tribal differences. Muslims who had emigrated from Mecca received the title of Muhajirin or the emigrants. The first task of the Prophet was to unite both the elements into one organic whole. So he bound the Muhajirin and the Ansar into a tie of brother-hood or 'Iqd-i-Muwakhat!'

Under this institution, each ²Muhajir was to be like a brother to one of the Ansar. This brotherhood linked all the Muslims both Medinites and Meccans - together as members of the same family and the difference between the alien and the native elements was levelled down. It was a solution unique in the history of mankind. The financial difficulties of the Muhajirin who had to leave their hearth and home and were penniless were solved by their Ansar brothers who were every

1. Bu 63:1; Zurqani I p 309.

2. Bu 63: 3, 50; Mu 44: 203-5; Ibn Sad I/II p 1, III/I p 14; Ibn Hisham II p 18; Z.M. III p 373-4.

hospitable to them and gave them a share in their property. This was the first communistic step taken in the building of the community of Islam. The Ansar gained much through this institution for the Muhajirin were well versed in trade. They marketed the Ansar commodities more profitably than had hitherto been possible. The city-state of Madinah thus exemplified the fair division of labour and its profits. Orderly society rests upon the control of the self-seeking elements, the promotion of mutual sacrifice and the encouragement of individual effort. The city-state of Madinah with the Prophet as its ruler typified all these principles.

The Prophet had to face great difficulties in his task of consolidation. The Muslims had no doubt obtained a place of refuge at Yathrib but the greatest difficulty was that the city of Islam did not contain any homogeneous population. There were the Jewish tribes who had a distinct culture of their own, and monopolized the markets of Madinah. The Prophet's democratic doctrines did not mingle harmoniously with their aristocratic¹ notions. They were hostile to him. Then there were the hypocrites² who were the bitterest enemies of Islam. They had joined the ranks of Islam ostensibly but in secret they were discontented and were a constant menace to Islam. Their chief Abdullah Ibn Ubaiy was going

1. Ibn Hisham II pp 23, 24, 36.

2. Ibid pp 23-4.

to be crowned as the king of Yathrib and it was because¹ of the Prophet's arrival as he could not wear the crown. He along with his followers was bent upon breaking the solidarity of Muslims and the power of the Islamic state by various intrigues and plots. The first and the foremost task was to bring all these elements - the Muslims including the Ansar and the Muhajirin, the Jews and the hypocrites or the munafiqin under one banner. The Prophet accomplished it through a character which was the frame work of the common wealth of Madinah. It clearly defined the rights and duties of its citizens. It laid down that the Jews along with the Muslims formed one² ummat or one people. The charter was meant for those non-Muslims as well who had made common cause with the Muslims. Equal rights of citizenship were extended to all. The state of war and peace was made common to all citizens. The Jews who attached themselves to the commonwealth were to be protected from all insults and persecution. They were to have equal rights to assistance and good offices with Muslims. Their allies, too, enjoyed the same security and freedom. They were allowed to practise their rights as freely as the Muslims. This charter was the first charter of religious toleration and freedom of worship in the history of the world. It

1. Ibn Sad III/I p 90.

2. Ibn Hisham II p 16.

was the first written constitution of the world.¹

Madinah was to be regarded as sacred by all those who accepted this charter.² It was no mean achievement of the Prophet. The community with God at its head and the Prophet as His representative alone had the power to deliver the shedder of blood over to the avenger and every citizen was to abhor the person guilty of crime even though the offender might be his nearest relative. All the citizens were to join as one man against him. The administration of justice no longer remained a personal or private affair.

By this charter, the common wealth of Madinah was established with the Ansar, Muhajirin, the hypocrites and the Jews as its members. The highest judicial, military, legal and executive powers belonged to the Prophet who was the head of the common wealth. He was subject to the Divine laws and was not above them.

The members of the common wealth were organised into tribes which numbered twenty. They enjoyed equal rights. The principle of equality of the units which is a cardinal principle of modern federations was followed.

No other constitution excepting the charter of Madinah was promulgated by the chief executive authority. Mann's 'Siddiq', Kantaliya's, 'Arth-Shaster' and the Aristotle's 158 constitutions had not been promulgated by the sovereign authority. H

(Mol. Nabawi Hun Nizam Hukum Zani I P. 75)

2. Ibn Hisham II p 17.

The units were held responsible for the internal peace and security and enjoyed autonomy in those matters which did not ^{fall} within the jurisdiction of the central government. They were to pay the blood money and the ransom for their prisoners. The clients or naturalized citizens or Mawalis of the tribes were also bound to observe the duties incumbent upon their client tribes.

All disputes among them were to be referred to the Prophet who combined in his person the highest judicial court. Declaration of war, conclusion of peace and neutrality were the functions of the central government. Both the Muslims and the Jews had to bear the expenses ¹ of war.

Every citizen irrespective of his status, religion and rank possessed the right of granting asylum to any one and this was to be respected by all. Thus the principle of equality was acted upon.

The Jews were granted juridical autonomy. Their cases were decided according to the laws of their scripture in case they were referred to the Islamic courts.

The Jews monopolized agriculture, trade and industry of Madinah. They had their own religion and culture. But the Prophet brought them under one government and promulgated a constitution which clearly

1. Ibn Hisham II p 17.

defined their rights and obligations and at the same time asserted the unity of the city-state. He prevented them from becoming the representatives of vested interests. They accepted him as their chief authority. He effected a miraculous change in a miraculously short time. The tribes which used to fight against each other, among which blood counted more than man: which had never acknowledge the leadership of any one: which had never known a collective life and had no idea of nationhood became one corporate and collective body by one stroke of the sagacity and statesmanship of the Prophet. He reconciled the diverse elements of Madinah and inaugurated an era of order and peace by becoming their chief magistrate. In the words of Nicholson "it was in reality a revolution. He destroyed the particularism and individualism of the tribes by shifting the centre of power from the tribe to the community." The city-state of Madinah was thus founded on this charter which created a composite nation for common defence and protection.

The defence of the common wealth from internal as well as external enemies especially from the Quraish who being the leaders of the peninsula commanded extra-ordinary influence was the most important problem. From this point of view, it was necessary that alliances of friendship should be ^{cluded} conducted with the neighbouring tribes. For this purposes, expeditions were sent to the

tribes of Juhainah and Dhamrah respectively. The tribe of Juhainah pledged to remain neutral while a treaty of mutual help and assistance was signed between the tribe of Dhamrah and the Prophet. The latter was guaranteed¹ protection of life and property by him. Had this not been done these tribes would have combined with the Quraish and would have harassed Madinah and thus become a constant source of trouble to the Muslims.

The greatest danger lay from the side of the Quraish who were bent upon destroying Madinah and exterminating Muslims. They could not tolerate the Prophet as the master of Madinah. Other tribes had also become hostile and antagonistic to Islam largely on account of the influence of the Quraish.

Towards the second year of Hijrat, the Meccans² started a series of hostile acts against the Muslims. The Prophet took measures to guard against any plot rising from within or a sudden attack from without. He sent spies and scouts to watch all the car^vans routes that passed through the hills and the sea shore. His spies and frequent reconnoiter-ing parties kept him in close

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1. Ibn Hisham II pp 54, 56; Ibn Sad II/I p 93; Z.M. IV pp 37-8; Zurqani I pp 396.
 2. Their parties committed depredations on the fruit trees of the Muslims of Madinah and carried away their flocks. - Ibn Hisham II p 58; Zurqani I pp 396-7.

touch with the movements and plans of the Quraish¹ who could not take him unawares. One of these parties surprised a Quraishite caravan at Nakhlah² and returned to Madinah laden with spoils and captives.

After a short time, a well equipped army of 1000 Meccans³ marched against the Muslims to protect their caravan. A pitched battle was inevitable for the safety of Madinah. The Muslim army was ill-equipped and was recruited entirely from the Mahajirin and the Ansar. It numbered only 313. The Prophet⁴ entrenched himself near the well at Badr in order to command the supply of drinking water. This was a vantage. They (Qureish⁵) were defeated. Some of their illustrious leaders and chiefs like Abu Jahl fell dead. Rich booty fell in the hands of the Muslims. A number of Meccans were taken as prisoners. This battle is one of the greatest and most out-standing events in the history of Islam. On that day the position, prestige and ultimate triumph of Islam over Mecca was assured. It turned all eyes upon

1. Ibn Hisham pp 64, 65.

2. Ibid pp 54, 55, 56, 59, and 60.

3. Ibn Sad II/I pp 6,9-12, 13.

4. Ibn Hisham II p 66.

5. Ibid II pp 76; 78, 102-3, 126; Ibn Sad II/I 14.

the Prophet. He was now a power in the land. Contrary to all usages and traditions of the Arabs, the prisoners of war were treated with the greatest humanity.¹ Those whose means could afford were released on the payment of the stipulated ransom of 4,000 dirhams.² Those who were too poor were allowed to go free. Those who could read and write were asked to teach ten children ^{the art of writing} calligraphy³ to secure their release. The Prophet thus instituted the institution of fidyah or ransom for such prisoners of war as could afford to pay it. He then divided the booty amongst the participants of the battle.⁴ The principle was thus laid down that to the head of the state belonged the right of distributing the four-fifth of the booty among the soldiers and spending the remainder i.e. one fifth on the general needs of the community.

The favourable impression created by the victory of Badr was removed by the defeat of the Muslims at Uhud in the following years. The neighbouring tribes such as Banu Asad, Lihyan who were the allies of the Quraish and the Jews became emboldened and took to hostile activities.⁵ Some of them carried on various

1. Humane treatment was meted out to them. They were entrusted to the care of the companions of the Prophet who gave them better food - Ibn Hisham II p 78.
2. i.e. Rs 1,000 approximately.
3. Ibn Hisham II p 83, Ibn Sad II/I pp 11-2.
4. Ibid pp 76, 86.
5. Banu Adhl, Qarah and Salm's treachery - Ibn Hisham pp 167-8, 169, 184.

murderous ⁰forays on the Medinite territories. They became a constant menace to Madinah. This battle also fully exposed the hypocrites¹. They went on inciting the Jews to rise against the Muslims and assured them of their full support.² The Jews were under the delusion that the extermination of the Muslims was only a matter of time. The Banu Nadheer - conspired to kill the Prophet and thus openly violated the terms of the treaty. The Muslims, therefore, besieged their forts. They sued for peace and were expelled from Madinah by the Prophet. Their immovable property and warlike material etc. was distributed with the consent of the Anṣar among the Mahajirin as their economic position was deplorable.³ The expulsion of Banu Nadheer and Qainuqa' which had taken place earlier considerably weakened the enemies of Islam.

But the enemies of Islam were ever ready to stir up the tribes against the Muslims. The Jews always took a prominent part in these intrigues. In the fifth year of the Hijrat, practically the whole of Arabia was arrayed against the Muslims and besieged Madinah. The Jews who had promised to assist the Muslims against any invasion openly violated the terms of the treaty by joining this Arab confederacy. On account of inferiority in number and ill-equipment of his forces and the turbulence of the hypocrites, the Prophet decided to remain on the defensive. The

1. Ibn Hisham II p 145.

2. Ibid p 178.

3. Ibn Hisham I pp 176- 178.

Ibid.

Muslims were put to the greatest ordeal. The Jews were well acquainted with the Islamic territories and could materially assist the Quraish and their allies. The hypocrites were waiting for an opportunity to play a treacherous role within the walls of the city. The Prophet - the generalissimo of Islam, set an example of supreme fortitude. He first asked the Jewish tribe of Quraish to keep its promise of helping the Muslims. Having failed in this attempt, he posted his army at strategic points. On the suggestion of Salman - a Persian convert who was acquainted with the more upto date methods of warfare, a deep moat was dug round Madinah. It was a new orientation in the science of warfare unknown to the Arabs. The enemy made great efforts to cross the trench but failed in this attempt. Division and disunion began to creep in the enemy rank. The Prophet was not slow to take advantage of the situation and succeeded in breaking up the coalition of his enemies and the Quraish along with the other Arab tribes had to ^{flee} place. Under the wise leadership of the Prophet, the Commonwealth survived the ordeal and gave a fatal blow to its enemies.

The Prophet then dealt with the tribe of Quraish who had not only violated the terms of the treaty but had directly landed the Muslims in crises

1. Ibn Hisham II pp 187-8, 189-90, 191, 193-4.

by inciting the Quraish and their allies to invade Madinah. They received the punishment of traitors¹ after this battle.

After full six years, 1400 Muslims headed by the Prophet set out on pilgrimage to the Kaaba. The Quraish gathered a large army to prevent them from entering Mecca. The Muslims stopped at Hudaibiyah. The Prophet sent Uthman as his envoy to conduct negotiations. He was detained there. Hearing the rumours of his murder which was against all laws of war and recognized practices, the Prophet took an oath of fidelity from the Muslims and they pledged to fight in defence of their religion till the last drop of their blood. The Quraish sent their emissaries. After a good deal of negotiations, a truce was signed between the Quraish and the Muslims and their respective allies. Uthman was set free. It was stipulated in the non-aggression pact that any Muslim coming from the Quraish to the Prophet would be handed over to the Quraish while any one going from Muslims to Mecca would not be

1. According to the ^aaward of Sad Ibn Mas, who had been nominated as an arbitrator by the Banu Quraish themselves, all their fighting men put to death. Their women and children were made slaves of Muslims.- Ibn Hisham II pp 189-90, 195, 197, 198, 200; Ibn Sad II/I pp 53-4, 55.

surrendered. For that year the Muslims were not to visit ^{the} sacred territories of Mecca. They could visit it next year unarmed except for their swords and stay there only for three days. Other Arab tribes were allowed to enter into alliance either with the Quraish or with the Prophet. Accordingly the Banu Khuzaa^h declared its adhesion to the Prophet and the Banu Bakr¹ to the Quraish². This treaty was a diplomatic triumph of the Prophet over the Meccans. It was a prelude to the final victory. At that time the Islamic state of Madinah faced two enemies - the Jews of Khaibar in the north and the Quraish in the South. The Jews were intriguing and making serious attempts to form a strong coalition against the Muslims. It was impossible to take any effective step against the two simultaneously. There was every likelihood of the attack from the side of the Quraish on Madinah had the Muslims proceeded to Khaibar. The same thing was feared from the side of the Jews and their allies - the Ghatafan in case the Muslims attacked Mecca. Strategy demanded to befriend the one and settle accounts with other. The Jews were quite different from the Arabs both racially and culturally. They did not possess the virtues of the Arabs. They could not be relied upon as allies for they did not keep up their promise. Their allies - the Ghatafan and

1. Ibn Hisham II pp 226-9, 230.

2. Ibid p 233; 'Mabsoot' I p '86'.

Fisarah were fond of plunder and were always ready to violate the terms of treaty. Moreover, the Jews were not noted for their martial vigour hence it was easier to defeat them. On the other hand, the Quraish being the custodians of the national pantheon of Arabia and had a commanding influence over the rest of Arabs. The state of war existing between the Prophet and the Quraish prevented the other Arab tribes from seeking any alliance or developing any sort of relation with him. The Quraish had developed cultural and commercial relations not only with the whole peninsula but with the outside world as well. They were true to their words and could be safely relied upon. Politically, they were far more conscious than the Jews. Their military power was recognised by all. These were the things which induced the Prophet to sign the non-aggression pact with them hence he signed the truce at Hudaibiyah. Then again Mecca was the birth place of the Prophet and the Muhajirin. At the same time a famine had visited Hijaz. Yamamah from where the Meccans got their grains had fallen into the hands of Muslims and the export of grains to Mecca had been stopped.¹ This had made the Quraish somewhat keen of coming to terms with the Muslims. Cut off² from the virtual marts of Syria, Iraq, Yamamah and Yaman, surrounded on all sides by the

1. 'Abdul Barr Istéab' p 278; Ibn Hisham II pp 365

2. Tabari p 1347; Ibn Sad I/II pp 63, 24-5; Istéab 'no.278;

Islamized tribes,¹ deserted by their friends,² the Quraish were prepared to come to terms provided some face-saving clauses were insured.^{included} The neutrality of the Quraish could give the Muslims chance of bringing Yaman, 'Oman and Bahrain - the fertile provinces of Arabia which had been rendered as no man's lands by the defeat of the Persians at the hands of the Byzantines under their control. Considering all this, the Prophet agreed to accept the terms of the Quraish.

It was a great diplomatic victory of the Prophet to make the Quraish agree to remain neutral in his struggle against the Jews - the sworn enemies of Islam. Their coalition with the Jews would have been too strong for the Muslims. Their defeat on the other hand would have left the Quraish alone and thus considerably have weakened them. The Quraish were deprived of their many old allies³ and remained almost helpless at the conquest of Mecca.

The terms of the treaty were only apparently⁴ humiliating. In reality Muslims did not lose anything. Exigencies of the situation demanded the neutrality of the Quraish. In order to achieve it, the Prophet went to the extent of having simply "Muhammad son of 'Abdullah"

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1. E.g. Khuzah in the South of Mecca not to speak of the North and East.
 2. Ibn Sad II/I p 48.
 3. E.g. the tribes of Khuzah, Ash'arin and Daus Ibn Sad.
 4. Z.M. IV p 189.

instead of Muhammad - the apostle of Allah written in¹ the document for it made no substantial difference. This treaty was the master piece of his political sagacity and acumen. In the words of Tabari no victory brought so many adherents to Islam as the armistice of Hudaibiyah. Before this treaty the Prophet was accompanied only by 1400 to 1500 followers but only 2 years after the treaty,² he marched at the head of an army of 10,000 to Mecca. The clause that any Muslim coming from Mecca would be returned to Meccans went to strengthen the position of the Muslims. These Muslims^{who} fled from Mecca and spread themselves on the trade route and began to harass the Quraishite caravans. The Quraish had later on,³ to request the Prophet to treat this clause as dead.

This treaty opened the way of future conquest for the Muslims in another way. The Quraish now recognised Muslims as their equal. The moment the truce was signed the tribe of Khuzah⁴ openly declared to be the ally of the Muslims. Other tribes also began to seek alliances with Muslims. Prior to it, Muslims were not considered as the

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1. Ibn Hisham II p 230
 2. Ibn Hisham II p 233
 3. Ibn Hisham II pp 231
 4. Ibid

equals of the Quraish - the national leaders of Arabia, hence no tribe sought any alliance with them and the Muslims had to remain almost single handed.

Intrigues were still rampant among the Jews of Khaibar who had been expelled from Madinah on account of their treacherous role. They entered into an alliance with the tribe of Ghatafan, Fizarah and other cognate tribes against the Muslims. From the point of view of the security of Madinah, there was no other alternative but to take immediate measures to repress any new attack upon it. The Prophet, therefore, led an expedition against the Jews. The allies of the Jews deserted them. For some time, the Jews firmly resisted the Muslims. At last they capitulated. In the peace negotiations they obtained freedom from captivity and free practice of their religion. They had to pay one half of their produce as tribute to the Muslims. The conquest of Khaibar added more lustre to the name of the Prophet and to the power of Islam.

The Quraish and their ally the tribe of Bakr violated the terms of the treaty drawn up at Hudaibiyah by massacring a number of Khuzaites - the allies of the Muslims. The victims of the Quraish attack appealed

1. Ibn Hisham II pp 237, 238, 239, 240, 241; Ibn Sad II/I pp 77, 79-80.

to the Prophet for help in terms of the previous alliance. The Prophet was determined to put a stop to the reign of injustice and oppression. He gathered an army of 10 000 Muslims and marched at their head to Mecca. Abu Sufyan who was deputed by the Meccans to renew the alliance for a further period also passed into the ranks of Islam.

With a slight resistance by the Meccans headed by Ikrunah² and Safwan, the Prophet entered the city almost unopposed. He did not take any revenge which would have been fully justified by the horrible cruelties which had been perpetrated on him and the Muslims by the Meccans. No plunder or massacre took place. A general amnesty was granted to the entire population of Mecca including the sworn and arch enemies of Islam³. The magnanimity of the Prophet had its effects and the whole population embraced Islam and pledged to render implicit obedience to him. The baiat into which they entered with the Prophet was based on their willing acquiescence so much that there were no dissaffected sections among them nor was there any relapse even in rebellion that followed the Prophet's death.

The conquest of Mecca decided the eventual supremacy of the Prophet over the whole of Arabia and

1. Ibn Sad II/I pp 263, 265; ~~Ibid II/I pp 97-8, 99.~~

2. Ibid II pp 271-2.

3. Ibn Hisham II p 274.

opened a new era in Islam. After the submission of the Quraish, there was no power left to fight the Muslims and the Arabs entered the fold of Islam in large numbers. It not only removed apprehension of future attacks upon Madinah but elevated the Prophet to a position in which he asserted a paramount authority over the entire peninsula. Besides, him, no one could lay claim to the supreme authority. Mecca was the religious centre of the peninsula and the tribes from every quarter yielded a reverential homage to it. The moment it submitted to the Prophet, his spiritual as well as political power or supremacy became an established fact.

Numerous embassies began to pour into Madinah - the city of Islam from all parts of Arabia - from Yaman, Hadhramawt, Oman, Bahrain and from borders of Syria and outskirts of Persia to secure the Prophet's favour by submission and testifying to the adhesion of their chiefs and their tribes. These tribal deputations were generously treated and given expenses of their journey. Written agreements or treaties guaranteed privileges to them. They were granted internal autonomy. Individual contracts were signed by all the important Arab tribes recognizing the Prophet as their chief executive. The state was thus constructed on the basis of a nation-wide contract.

1. Ibn Sad II/I p 119.

The conquest of Arabia had been complete but the Prophet knew that far greater danger to Islam lay in the north from the imperialist Byzantium which thought that it was possible to annex Arabia.

A compact Christian Colony had been established on the Syrian frontier territory of Arabia. These Christians hated the Prophet and their leaders had gathered round the dissenters who had left Madinah. In the summer of 630 A.C.¹ the Byzantine army assembled on the edge of the desert.

A serious peril was to be met by a serious effort so the Prophet decided to demonstrate the power of Muslims in the eyes of the Byzantine emperor. Mobilisation was ordered. Despite the hottest weather and failure of crops, 30,000 Muslims responded to his call. A general subscription was raised from among the Muslims. The hypocrites tried their best to discourage Muslims and create division among them. Despite their disruptions, the Muslims reached the Syrian border and halted at Tabuk. The Romans were overawed by the strength of the Muslims and retired without giving any battle. It was no mean achievement of the Prophet. The mighty empire of the day had to acknowledge the military superiority of the Muslims and dared not face them. The Prophet returned with his army after securing the country and receiving the submission

1. Z.M. III p 63-4.

of the cheiftains of neighbouring Christian states on the¹ frontiers of Syria who further promised to pay Jisyah.

This was the last expedition headed by the Prophet. It completed the conquest of the Islamic state in his days. In this expedition all the Arabs united themselves in one block under the banner of Islam and leadership of the Prophet.

There has never been in the history of the world any one so universally accepted as the ruler of a country as Muhammad in the last 2 years of his life. He had supreme power over the lives and fortunes of the Arabs. He had the satisfaction of seeing his mission accomplished. At his death, the Islamic state had extended over an area of one million square miles and was inhabited by several millions of people. This conquest was almost bloodless. The casualties of the enemy did not exceed 1000. It is the most remarkable feature of his conquest. No other example of such a conquest which daily brought 274 square miles under the banner of the state with such a small number of casualties can be found in history of the world.²

Under him, the country that had never before obeyed one prince suddenly exhibited a remarkable and unprecedented political unity. Out of the numerous tribes that incessantly were at feuds with one another, his words created a nation. A common religion under one common head

1. Ibn Hisham II pp 316, 319, 320; Ibn Sad II/I pp 119-20; Z.M.V. pp 70-1, 72.

2. Hameedullah "Qanun-i-Bainul Mamalik" p 20.

bound them together into one political organisation which developed its peculiar characteristic with surprising rapidity. The great work succeeded and at the time of his (the Prophet's) death, a peace of God such as the Arabs had never known presented over Arabia.

The Arab tribes were impelled to submit to the Prophet not merely as the head of the strongest military power in Arabia but as the exponent of the social order that weakened all other social orders. An Ummah or community on a definitely religious basis was founded on the broad basis of liberty, equality, fraternity and sanctity of person and property. In it liberty meant not only the freedom of the individual but also the liberty of each tribe.

"THE NATURE OF THE STATE"

The Islamic state in the days of the Prophet was theocentric. God was the sovereign. He was the Law-giver. All laws appeared in His name. Taxes were imposed and administration was carried on in his name. The Prophet¹ was merely the medium through whom His words were revealed. he had no despotic power for himself and was subject to the Divine laws. Neither he nor the members² of his family possessed any privilege or prerogative. The state was a

1. The Quran 18: 110.

2. Bu 86:9.

kind by itself. It can not fit in with any of the modern classifications of the state.

All were subject to the same laws and fulfilled the same duties. A sentiment of national unity and a consciousness of rights and duties towards one another such as had not been felt before pervaded throughout the realm of Islam.

To some extent the state presented the features of a federal state. The constituent tribes were autonomous city states having very little of the encroachment of the central government. They were promised security against their enemies by it (the central government). Matters of common concern such as war, peace and neutrality were functions of the central Government. In these matters, the Prophet's decision¹ was final. Charters were granted to the tribes which defined the functions and powers of the central government and its constituent units i.e. the tribes.

The government was carried on through the deliberations and consultations of the companions of the Prophet noted for their ability and wisdom. The counsellors were not appointed. Their number was no where defined or fixed.

1. 'The Prophet's Charters to the Jews of Madinah' Ibn Hisham II pp 16-7.
2. Vide 'The Charters granted to the inhabitants of Jarbah, Asrah, and Ailah - Ibn Hisham II pp 319. The Prophet's letters to the Himyartie kings and Najran - Ibn Hisham II pp 346, 347-8, 349.

For instance at the time of the battle of Badr, the Prophet, first consulted his companions and then issued the marching orders. The question of the war at the same battle was decided after consulting them¹. In deference to the wishes of his counsellors² he consented to give an open battle at Uhud. At the battle of Ahsab, the ditch was dug on the advice of Salman³. The prisoners of the Hawazin were set free after the decision of the Shu'ra or the consultative body⁴. The Prophet did not come to terms with the leaders of Ghatafan on account of the opposition of 'Sad Ibn 'Ubadah and 'Sad Ibn Mu'az - his counsellors⁵.

However, he did not always accept the advice of his companions. He did not agree with 'Umar's view - who was one of his chief counsellors that the terms of the treaty of Hudaibiyah were humiliating⁶ and therefore were unacceptable. He discarded the advice of his counsellors when the words of God were revealed.

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1. Z.M. IV pp 46; Ibn Hisham II pp 64; Ibn Kathir III p 296.
 2. Ibn Hisham II pp 127-8; Z.M. IV pp 64-5.
 3. Ibn Kathir II pp 95-9.
 4. Ibid IV pp 354; Ibn Hisham II pp 306-7.
 5. Ibn Hisham II pp 190-1.
 6. Ibid pp 230.

"THE EXECUTIVE"

The Executive authority was exercised by the Prophet. He had no special privileges or prerogative. He considered himself equal to the common Muslims. He personally looked into the affairs of the state. Walis and amirs i.e. the provincial agents or governors, Qadhis, Muazzins - Imams or the prayer leaders and the collectors of Jizyah from the Zimmis and sadaqat from the Muslims were appointed by him. He concluded treaties of alliances with other tribes and states and sent embassies to them and received their ambassadors. He distributed the booty and sadaqat among the Muslims and vigilantly

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1. The Quran 18: 110.
 2. Zurqani III pp 363-4; Z.M.I pp 110-1; F.B. XIII p 189.
 3. Ibid III pp 369-72; Z.M. I pp 109-10.
 4. Ibn Hisham I pp 269;
Musab was appointed as the prayer leader of Yathrib before the arrival of the Prophet. Ibn Umni-Maktum was appointed as the Imam in the absence of the Prophet. - A.D. 2: 64; Abu Bakr was asked to lead the prayers by the Prophet at the time of his illness Bu 10:45; Salim was the Imam of Quba - Ibn Sad III/I pp 161; Ibn Hajar "Isabah" IV no. 5388 p 213; 5852 p 303.
 5. F.B.VIII p 68 XIII p 189; Ibn Hisham II p 219; Ibn Sad I/II pp 40, 54, 60, 62, II/I pp 115; Z.M. V p 40-1.
 6. Ibn Hisham II pp 325-6, 333-4; 337, 339, 340-1, 342, 344, 345, 346, 348, 352.
 7. Ibid II pp 60, 76, 86, 178, 200, 246-7; Bu 24:21, 51, 54, 56: 220.

supervised and scrutinized the actions of the state officials. He took them to task in case they neglected their duties or abused their powers. He issued instructions to them from time to time.

He exercised the functions of a censor and saw that religious and moral precepts of Islam were obeyed. He punished those who committed adultery and theft or any other crime. He enforced right dealings in commercial pursuits by visiting the markets of Madinah and punishing those who practised fraudulent practices or used defective weights. He carefully audited and scrutinized the accounts of the collectors of taxes.

"LEGISLATION"

The real law-giver and source of commands was the omniscient God. The Prophet was a medium and a

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1. Bu 93: 40; He rebuked Khalid when he put the members of the tribe of Jazimah to death - Ibn Hisham II pp 284; Ibn Sad II/I p 106.
 2. Ibn Hisham II pp 346, 347-8; Zurqani III p 333.
 3. Mu 29;4.
 4. Kattani I pp 284-5.
 5. Bu 93: 42.
 6. Bu 6:57; 13: 41.
 7. The Quran 5: 95; 72; 23; 64: 12.

messenger to deliver Divine ordinances.¹ The Quran was revealed to him gradually in parts as ² exigencies of the situation required and not at once. The Prophet also issued bye-laws or regulations from time to time which were elaborations and illustrations of the Quranic injunctions. For example, he asked the tribe of Khuzash to pay the blood money to the ³ tribe of Husail for the murder of one of their members. He thus laid down the principle that blood money could be ⁴ paid to the relations of the murdered if they so desired.

Similarly if any one was attacked he was fully justified in drawing the sword in his defence. No action ⁵ was taken against him if he killed any one in so doing.

Thus originated the Prophetic law or the Qanun-i-Sunnah. It was put on par with the Quran ⁶ and its binding force was testified clearly and explicitly.⁷

Thus the Islamic law was partly derived from what the Prophet said, did or tolerated.

The Prophet also answered the public queries ⁸ regarding the divine laws. These answers which were the

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1. The Quran 5:95; 72: 23; 64: 12.
 2. The Quran 25: 32.
 3. Mishkat pp *Ibn Hisham* p. 17
 4. A. D. 38: 3, 4.; Tir 14:1; I. M. 21:3.
 5. P. B. III p 180.
 6. The Quran 4:65; 7:54; 10: 15; 23:21; 53:3-4; 59:7; *Ibn Kathir "Tafaseer" I p 3.*
 7. *Ibn Hisham II p 35.*
 8. Bu 3:2, 7, 23, 26, 28, 36, 39, 45, 46, 50, 51, 52, 53.

interpretation of the divine laws constitute the bulk of the bye-laws of Islam.

He instructed his Walis and amils to settle the disputes between the people by their own interpretations of the law in the absence of clear and precise orders of the Quran and the Sunnah.¹ The real aim of the Prophet was not to seize political power but to establish the rule of divine laws and make people conform to them.

The first eight years after the Hijrat were the years of the struggle against the internal and external enemies of Islam. In this period the primary concern was to crush their power hence there was little time left to other things. It was when peace and order had been established throughout the state after the conquest of Mecca and Islam had become the strongest political power that the process of the evolution of law was completed.

The Prophet laid down the following fundamental rights in the classical sermon delivered at the farewell pilgrimage:-

- (a) Every one enjoyed and possessed three elementary rights of person - life, property and honour. These were to be respected.

1. Tir 13:3; Ibn Sad II/I pp 107-8;

- 'The Prophet's instructions to Mu'az Ibn Jabal'

- (b) Deposits and just debts were to be paid.
- (c) The pre-Islamic custom of usury was abolished and the amounts actually due on this basis could not be recovered by any one even the Prophet's kith and kin and thus the giving and taking of usury was forbidden.
- (d) All murderers were to be punished. In case of homicide the blood money was fixed at 100 camels.
- (e) It was the right of the husband that his wife remained chaste and did not admit into the house people disliked by him. It was the right of the wife that her husband should feed and clothe her properly. She was to be treated in a befitting manner.
- (f) The equality of man kind was emphasised in these words. "The Lord of all men is one and the father of all men is one. You are descended from Adam and Adam was made of clay". and distinctions of race, colour, class or caste ^{were} have been levelled to the ground. The brotherhood of the faithful was established in the following words:-

"The most honourable of you with
God is the one who fears Him most.

"No Arab has pre-eminence over a non Arab and no non Arab over an Arab."

- (g) The Muslims were to follow the Quran - which contained laws and regulations. They were thus brought under one law.
- (h) God had fixed the shares of the inheritors of a deceased person. A will was not void if more than a third of the property was given to any one than that fixed by God. No one could possess other's property without the owner's consent. Thus the right to property was guaranteed and the principle of distribution of property was laid down.
- (i) The adulterer was to be stoned to death and the illegitimate children belonged to their mothers. Thus the right to family¹ was guaranteed.

" THE JUDICIAL SYSTEM "

In the constitution of the city state of Madinah which he promulgated on his arrival to that

1. Ibn Hisham II pp 351-2.

city, the Prophet laid down the rules and regulations to be observed in the administration of justice. In clauses 3 to 11, it was mentioned that every tribe would have to pay₁ fines and other financial obligations of its members.

No body was authorised to give quarters to a criminal. No obstacle was₂ to be tolerated against the administration of justice.

A number of fundamental principles were also laid down for the guidance of the judges. The murder of a Muslim was punishable with death by blood money might be accepted by the wali or the defender of the₃ rights of the murdered.

By the clauses 23 and 42 of the Charter the Prophet was declared to be the supreme arbitrator in all disputes and his decisions were considered final.₄

For the non-Muslim citizens, the institutions of ransom, blood money and asylum or giving shelter to₅ the criminal were exactly the same as for the Muslims.

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1. Ibn Higham II pp 16-7.
 2. Ibid p 17
 3. Ibid
 4. Ibid p 17
 5. Ibid

Judicial autonomy was granted to them.¹
Justice was dispensed according to their personal laws.

This concession had a far reaching effects over the non-Muslims and went to win over their hearts to Islam. Moreover when they saw the working of more humane Islamic laws, they were kindly disposed to Islam.

Before his migration, the Prophet had nominated one Naqib or chief for each of the twelve Ansar tribes at Aqabah.² Each Naqib represented the whole tribe and was responsible for its internal peace and order.³ He heard the cases of its members. If his decision did not satisfy the disputants or if the parties belonged to different tribes, the matter was referred to the Prophet for final orders.⁴ When the Islamic territories expanded, Qadhis were appointed over other places to decide cases.⁵ Very often the

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1. The cases of the Jews were adjudicated according to the Tawrah or the pentateuch - Ibn Hisham II pp 42-3. By the terms of the Charter granted to the Christians of Najran, their cases were to be decided according to their personal laws - Ibn Sad I/II pp 35.
 2. Ibn Hisham I pp 276-7.
 3. Ibid p 277.
 4. Ibid II pp 16-7.
 5. Kattani I pp 257, 258.

'amils combined in themselves the duties of Qadhi as well.⁶ If any one was discontented with their judgments,² he could appeal to the Prophet. In special cases, part time Qadhis were also appointed to deal with cases. Appeals³ against their decisions also lay to the Prophet.

Men who had a thorough knowledge of the Quran and the laws of Islam were appointed as Qadhis⁴ by the Prophet.

It was the duty of the judges to dispense justice impartially, decide disputes between the people⁵ and abstain from tyranny and transgression.

They were to decide according to the Quran. In case there was nothing on the subject in it, they were to decide according to the Sunnah of the Prophet. If there was nothing even in it, they were permitted to⁶ interpret the law.

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1. "The Prophet's instructions to Ibn Hazzam when he was sent as a governor to Yaman - Ibn Hisham II p 348.
 2. Ibn 'Abdul Barr '1455'; Mabsoot XVI p 86;
 3. Ahmad II p 187; VI p 205; Vp 26;
 4. E.g. The Prophet's appointment of 'Ali and M'as to this post. Both of them were well versed in interpretations of the sacred law because of their thorough knowledge of the Quran; A.D. 23:6, Ibn Sad II/II p 100-108; III/I p 122; ~~Islam-Maqalat I p 73.~~
 5. Vide Prophet's instructions to Ibn Hazzam - Ibn Hisham, II p 348.
 6. Tir 13; 3; Ibn Sad II/II pp 107-8; III/II p 121.

For the guidance of the judges, the Prophet issued instructions from time to time. A letter of instructions containing detailed provisions for damages in cases of corporal tort was given to Amr ibn H¹azm. A similar written document was issued to Abu Sh¹ah. According to these instructions, justice was to be administered with stern impartiality. The heirs of the murdered could demand retaliation. They could accept the blood money if they liked. No retaliation or vengeance could be demanded for death caused by a brute² a fountain, a mine or a fire. Anything done by the Qadhi against these³ instructions was declared null and void by the Prophet.

The judge was not to decide in favour of any⁴ one unless and until he had heard both the parties. Thus the principle was laid down that no judgment could be pronounced unless both the parties had been given a chance to put forward their case. The burden of proof lay on the claimant. The defendant who pleaded not guilty or declined to admit the claim was to deny simply⁵ on oath. Thus another important rule of law and court

1. Bu 3: 39; Ibn Hisham II p 348.

2. Bu 42:4, 87, 28-9; Mu 29: 45, 46.

3. Mu 30: 17-8: A.D. 23:5.

4. Tir 13:5; A.D. 23:6.

5. Bu 48:6; 52:20; A.D. 21:13; 23:23, 24, Tir 13:12; Mabseet XVII p 28; Ibn Qaiyyam "T.H." p 94.

procedure was laid down that every one could argue his case. Hence there was no need of the army of pleaders, lawyers and advocates in the days of the Prophet.

The Prophet entertained against his own self civil and tort cases and in several cases recorded by the historians, he decided them in favour of the claimant.¹ Thus he rejected the maxim that the person of the head of the state is not amenable to jurisdiction of the courts.

As there was no limit to the variety of cases, the decision of the judges often required expert advice and the Prophet obtained it. For instance, special inspectors were appointed for the evaluation of property and certain other similar matters. He decided the cases on their opinions and recommendations.²

The Qadhis were instructed not to make use of their private information. They were to decide according to what they heard from the parties and the witnesses.³ They were to take into consideration the sense and not the letter and the substance and not the form of law. In all cases, the intention of the accused was to be the determining factor.

1. Ibn Athir II p 241

2. T.H.p 196; Kattani I pp 280-1.

3. Ma 30:4; Tir 13:5, 11; A.D. 23:6,7; F.B. XIII p 113.

4. Bu 1:1, 41, 49:6; 63:45.

They were strictly prohibited from¹
accepting bribes.

They were further instructed not to²
decide any case when they were angry or excited.
They were not to accept the evidence of the husband
and wife or the master and the slave or any near³
relative in a case.

Persons who spread mischief and scandal
and who had been convicted on the charge of adultery could⁴
not appear as witnesses. The evidence of non Muslims in⁵
their own mutual matters was also accepted.

Women and slaves could also appear as witnesses.⁶
But the Evidence of two women was equal to that of one⁷
man. False witness was considered one of capital sins.⁸

The false litigants and those who promoted⁹
unjust cases were to be strongly condemned.

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1. Tir 13:9; A.D. 23:4.
 2. Bu 93:13; Mu 30:16; A.D. 23:9; Tir 13:7.
 3. Tayalasi No. 1767.
 4. Bu 52:8; A.D. 23: 16; Tir 33:2; I.M. 13:30.
 5. I.M. 13: 33; A.D. 23: 19.
 6. Bu 52: 13: 14.
 7. Ibid: 12.
 8. Bu 52: 10; A.D. 23: 21; I.M. 13:31.
 9. A.D. 23: 14; I.M. 13:6.

Equity and not stern legal justice was also to be taken into consideration. In other words circumstantial evidence was also taken into consideration. No¹ one was held responsible for the action of others.

"THE ADMINISTRATION OF THE PROVINCES"

The Islamic territories which included the entire peninsula were divided up into 12 provinces² which were placed under the charge of amirs or walis. They represented the authority of the central government³ and were appointed by the Prophet.

Whenever a Muhajir or a Meccan was appointed as a wali, an ansari or a Medinite was also appointed⁴ along with him in the same province.

1. The Quran 5: 45.

2. 1. Mecca, 7. Jund,
2. Taif, 8. Wadiul Qura,
3. Bahrain, 9. Yamamah,
4. Oman, 10. Taima,
5. Najran, 11. Sawahil, and
6. Sana, 12. Hadhramawt -

- F.B. XIII p 189; Zurqani III pp 363-4.

3. F.B. XIII p 189.

4. Ahmad V P 186.

Deep knowledge of the Shariat, ijtihad or the power to interpret the laws of Islam, administrative capacity and strength of character were the necessary qualifications for this office.¹ The competence of the governor-designate to interpret the law was tested first.²

Persons who sought this office were³ debarred from holding it. Personal canvassing was perhaps the greatest disqualification.

In the first place, the walis were to see that the most important regulations of the Quran were followed. They were to impart the knowledge of the fundamentals of Islam to the people.⁴ They combined in themselves the functions of the preacher of religion and the teacher of morals. They were to invite the non-Muslims to Islam.⁵ They were further instructed not to tyrannize the people or create difficulties⁶ to them in any way. They were to prevent tribal feuds⁷ and maintain peace and order in the localities under

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1. Bu 24; 1;
 2. E.g. The appointment of Mu'az as the 'amil of Yaman-Tir 13:3; Mi 33:4; F.B. XIII p 107.
 3. Bu 93;7; Ahmad IV pp 393, 409, 411, 417; V pp 62,63.
 4. Ibn Hisham II pp 346, 348.
 5. Ibid
 6. Bu 24: 63; Ibn Hisham II pp 346, 348.
 7. Ibid p 348.

their jurisdiction. They were to collect the taxes. At¹
some places, they led the prayers.²

Upon them the burden of provincial government rested. They were under the constant and vigilant supervision of the Prophet. In case, they violated his³ instructions, they were taken to task. They were not allowed to become autocrats.

It should, however, be not assumed that the government was highly centralized. The Prophet did very little in this direction as the provinces enjoyed considerable autonomy. Much was left to the discretion of the⁴ governors. They enjoyed the right of interpreting the law. The only reservation was that they could not do anything against the basic laws of Islam.

There was no officialdom hence evils of⁵ "redtapism" were absent.

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- Ibn Hisham II*
1. Ibid pp 346, 348.
2. Ahmad IV p 218.
3. Khalid was strongly rebuked by the Prophet for having violated his instructions - Ibn Hisham II p 284; Bu 93: 41.
4. Tir 13:3.
5. As is evident from the instructions which he gave to Muz. According to these instructions, the governor was not to cause the least inconvenience to the people - Ibn Hisham II p 346.

The principle of separation of powers¹ was followed at least in some provinces.

The walis were the paid functionaries of the state. They² could not take anything besides their fixed salary.

With the walis were sent amirs or the³ commanders of the troops to enforce payment of taxes. This system was, however, not uniform. In some provinces the functions of the amir were performed by the wali as well.

The walis were appointed according to the⁴ needs and area of the provinces.

"THE FINANCIAL SYSTEM"

Zakat, Kharaj, Ushr or the land tax from the Muslims, Jisyah or the poll-tax imposed upon the non-Muslims in lieu of military service, ghanimah

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1. E.g. Abu Musa 'Ash'ari was appointed as the governor of Yaman while Mu'az was appointed as the head of the judicial department - Bu 93: 11; F.B. XIII pp 110-11.
 2. A.D. 19:10; Utab ibn Aseed - the governor of Mecca was given a monthly salary of 30 dirhams - Ibn Hisham II p 311.
 3. Tabari I p 1750.
 4. Yaman was the largest province so it was split up into five provinces of Sana, Hadhramawt, Jund, Zubaid, Ramah and the coastal areas and each of these provinces was placed under the charge of a wali - Ist'ab I 246.

and fay constituted the main sources of income of the Islamic state in the time of the Prophet. At first when any tribe embraced Islam, it paid the amount of the taxes due to it to the Prophet.¹ As a far more elaborate system was needed for the realisation of the taxes, the Prophet appointed collectors of taxes for each tribe separately in the year 9 A.H.² Usually, the chiefs and influential

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1. Bu 24: 66; Ibn Sad I/II p 61;
 2. The following are some of the 'amils appointed by the Prophet:-
 1. 'Adi ibn Hatim over the tribe of Tay,
 2. Malik ibn Nawairah the tribe of Hanzalah,
 3. Zabarqan ibn Badr over the tribe of Sad,
 4. Yazid ibn Abu Sufyan over Taima,
 5. Walid ibn 'Aqabah over Bahrain,
 6. 'Amr ibn Said ibn 'As over Wadiul Qura,
 7. Ala over Bahrain,
 8. Imraul Qais Alasbagh over the tribe of 'Alb,
 9. 'Amr Ibn Hakam over Banu Qais.
 10. Qudhah ibn 'Amir over Asad,
 11. Akasha ibn Thaur over Sakasika Wasukan,
 12. Arqam and Kafia ibn Saba over Asad and Huzail,
 13. Huzairah ibnul Yaman over Juhainah,
 14. Rafi ibn Mukaith over Tameem-
- Yaqubi II p 81; Ibn Sad I/II pp 40, 54, 60, 62, 64, 115; Bu 24: 69; Ibn Hisham II pp 349-50; Z.M. V pp 40-1; Kattani I pp 243, 397-8.

members of the tribe acted as the tax collector of their own tribes.¹ They knew the conditions of their people better. Then again when they were entrusted with responsibility, they felt honoured and discharged their duties efficiently. So much so that no complaint was received against maltreatment or any harsh practices in the realization of taxes. Detailed instructions were issued to them by the Prophet in a firman at the time of their appointment. Rates of Zakat on different kinds of property were laid down in these documents.²

Those things were liable to tax which grew or brought profits, such as commercial enterprises,³ agriculture⁴ & produce, herds of cattle fed on pastures,⁵ mines and treasure troves.⁶

Enterprises demanding greater labour and expenditure were liable to lighter taxes. E.g. for

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1. E.g. ⁶Adi Ibn Hatim and Rafi ibn Mukaith of the Juhainah were appointed as the tax collectors of their tribes - Ibn Sad II/I p 115.
 2. Vide the Prophet's instruction to the Himyartie kings and Amr ibn Hasm - Ibn Hisham II pp 346, 348.
 3. A.D. p 9; 3, 5.
 4. Bu 24:51.
 5. Ibid: 36: 37-8; A.D. 9: 12;
 6. Ibid: 62.

commercial goods a tax had to be paid at the rate of 2½% for the agricultural produce by means of wells etc paid ^{at} 5% while on the agricultural produce done by canals or the rains ^{at} 10%¹.

A minimum was fixed for every kind of taxable goods less than which was tax-free.²

More possession of the taxable minimum did not render the goods liable to the perception of the government levy unless one whole year had revolved over its uninterrupted possession.³

These facilities together with the spiritualisation of the tax and the rendering of it a thing of merit in the sight of God and of reward in the next world and the threat of divine wrath to those who disregarded the same made the tax easy of collection.⁴

The collectors⁵ were not to take any thing more than that was fixed.

Sheep and camels constituted the wealth of the Arabs. The collectors were to go to the pastures and realize the Zakat at the fixed rate.

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1. Ibid: 51; A. D. 9: 12;
 2. Ibid: 32: 42, 56.
 3. Tir 5:10: I.M. 8:5.
 4. Bu 24: 1, 3, 43; 90: 3.
 5. Bu 93: 41; A.D.19: 10, 11.

The tax payers were thus saved from the inconvenience¹ of going along with their herds to the collectors.

The collectors² were prohibited from selecting the best from the herds.

The conduct of the collectors was fully scrutinized by the Prophet. Their accounts were checked and scrutinized. Any one who took more³ was charged with embezzlement and was punished for it.

As the members of the Prophet's family were not entitled to Sadaqat,⁴ they were never appointed as the collectors of taxes. It brought home the fact that the proceeds of the levy were not meant for the personal benefit of the Prophet and his family and also this that members of his family did not enjoy any privileged position.

The collectors were paid as sufficed⁵ their needs.

Those non-Muslims who submitted to Islam enjoyed its protection and were known as the "Ahli-Zimmah". Their lives, property and honour were the special concern of the state. They were exempted from the military service and were to pay the Jizyah

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1. A.D. 9:9.
 2. Ba 24: 43.
 3. Ba 24: 43; 41: A.D. 19:10 and 11.
 4. Ibid: 57; Ma 12: 167; Na 23: 95.
 5. A.D. 19:10.

in its lieu which was fixed at the rate of one dinar annually from all adult males who could afford to pay it. It was accepted in kind as well.¹

The Christians of Najran agreed to pay 2 000 pieces of cloth annually to the Muslims in two instalments. They further promised to give 30 shields, 30 horses, 30 camels and 30 weapons of each sort of them for use on the outbreak of any rebellion in Yaman.² In return, they were granted religious autonomy.

At the time of the battle of Tabuk, various Christian tribes of Syria promised to pay the Jizyah.³ Thus Ailah paid 300 dinars at the rate of one dinar annually for every adult. 'Azrah was to pay an annual amount of 1 000 dinars. The tribes of Jarsh and Maqnah were to pay one-fourth of their woven clothes, slaves, dates, horses and shields.⁴

The non-Muslims of Yaman gave mafari clothes in lieu of cash as their Jizyah.⁵ The non-Muslims of Jarsh and Tabulah along with the Jizyah promised to arrange for the supply of provisions to the Muslim army when it marched through their land.⁶ The Magians of Oman

1. A.D. 19: 10; Ibn Hisham II pp 346, 348.

2. Ibn Hisham II pp 346, 348; 30; Abu Yusuf pp 40-1; Ibn Sad I/II pp 35-6; Fh B. I p 65.

3. Ibn Hisham II pp 319, 320; Ibn Sad I/II p 28; Fh B.I p 64.

4. Ibn Sad I/II pp 28, 37; Fh. B.I p 65.

5. Ibn Hisham II p 346.

6. Fh. B. I p 70.

and Hijr also paid the Jizyah.¹ Its largest amount came from Bahrain.²

The collectors of Jizyah were repeatedly instructed not to adopt any violent means in its realization.³ They were to take into consideration the natural calamities, the paying capacity and the means of the payers.

Kharaj was another source of income. It was in the form of tribute on those lands in which the original inhabitants had come to terms with the Muslims and relinquished their proprietary rights. On these lands the Kharaj was in the form of rent. Khaibar, Fadak and Wadiul Qura were its examples. The tillers of these lands paid one-half of the total produce of their lands to the Muslims.⁴

It was in the form of a tax on those lands in which the inhabitants had preserved their proprietary right when they embraced Islam. Taima, Yaman and other localities fell within this category.⁵ It was known as the "Ushr". The tillers had not to pay any fresh tax. They paid the Zakat on the produce of their lands.

1. A.D. 19:29.

2. Ibn Sad I/II p 19.

3. A.D. 19:32; Abu Yusuf pp 71-2.

4. Ibn Hisham II pp 240, 248, 249; Fh. B.I pp 37, 38, 39, 40, 42, 45, and 47.

5. Fh. B. I pp 48, 71-2, 79-80; 81-2; 89-90.

The Khums or one-fifth of the ghanimah or the booty acquired on the battle field and the "fay" or the enemy property obtained without any blood-shed were the other sources of income. Fadak was the best example of the "fay". Its people frightened at the fate of Khaibar surrendered on the same condition and their lands were treated as "fay".¹

These two items of income could be called as non-permanent ones.

"EXPENDITURE"

² The ghanimah was the property of God and the Prophet. To him (The Prophet) belonged the right of disposing it. He divided the four-fifths amongst the soldiers. The mounted soldiers got two or three while the infantry got one.³ Persons who were employed by him for some special duties such as accountants etc. and who were absent from the war zone were also given a share in the booty.⁴

The remaining one-fifth was divided up into three portions. One-third went to the Baitul Mal or to the treasury and was spent on the specified charitable

1. Ibn Hisham II p 248.

2. The Quran 8:1; 59: 6.

3. Ibn Hisham II pp 59, 60, 200, 246, 8, 249.

4. Ibn Sad I/II p 6.

purposes such as the relief of the orphan, destitutes, the poor and the way-farer. One-third went to the kinsmen of the Prophet and the remaining one-third was his own share which too was largely spent on the welfare and needs of the Muslims and on subsidies to the chiefs of the tribes.¹

The "fay" was distributed among the needy Muhajirin or the new converts of Islam in order to win² over their hearts. It was disposed of by the Prophet at his discretion.

The yield of the Zakat was meant for the eight classes mentioned in the Quran namely the poor, the needy, the debtors, the collectors of taxes, on waging wars etc.³

The amount of money collected in one particular locality was paid out by the collectors to those entitled to it then and there.⁴ In this way the principle of financial decentralization was acted upon.

The amount of money collected through the Kharaj was spent on the salaries of the soldiers and other military affairs.⁵

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1. Bu 57: 19; Pb B. VI pp 123, 124, 125, 140, 152, 153, 154, 155; Abu Yusuf p 11; Yahya Ibn Adam pp 21, 23, 24; Ibn Hisham II pp 246, 248, 307, 308, 309; Pb B. I pp 31, 33-4, 39.
 2. Ibn Hisham II p 308.
 3. Bu 24: 50, 51, 54.
 4. Bu 24: 1, 64; 58:4; Tir 5:22; A.D. 19: 14.
 5. Bu 58:4; A.D. 19:14.

The income of one item was not spent on the other items of expenditure.

For the first time in the history of the free Bedouins were forced to pay taxes regularly and this payment was made a religious duty.

" THE LAND SYSTEM "

In Madinah, Taif and in Southern parts of the peninsula, people lived on agriculture. After the consolidation of the Islamic state, it became necessary to inaugurate a new land system. The Prophet exhorted his followers to inhabit the waste lands and cultivate them by declaring that he who reclaimed a waste land became its owner.¹

After the expulsion of the Banu Nadheer and Quraizah from Madinah, their fields and oasis came under the ownership of the Prophet. He distributed them among the Muhajirin and a few of the Ansar.²

Similarly the lands of Khaibar were distributed among those Muslims who had accompanied the Prophet to Hudaibiyyah. New arrangements were made with the Jews - the former owners of these lands. They were to cultivate

1. Bu 41; 15; Ma 35: 26; Tir 13: 38; A.D. 19: 35.

2. Ibn Hisham II pp 177, 178, 200; Ibn Sad II/I pp 41, 54; Fh B. I pp 31, 32, 33, 34, 35.

the land and give one-half of the total produce to the Muslim owners.¹ At some places, the cultivated lands were left in the ownership of the original owners who had embraced Islam on new conditions. They had to pay the Kharaj as a tax and not as rent. This was done at Taimah, Tabalah, Jarsh, Maqnah, Daumatiul-Jandal, Yaman and Bahrain.²

The Prophet often granted pieces of lands as fiefs to his companions.³

The Prophet nationalized rivers, tanks, pastures and all those pieces of lands which could be used by all by declaring them as the property of states.⁴ The principle of nationalization was thus practised.

"P O L I C I N G"

Maintenance of internal peace and order in the realm of Islam was the main concern of the Prophet.

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1. Ibid p 240; Yahya Ibn Adam p 6: Bu 41: 11; Tir 13:39; A.D. 19:34; Fh B. I p 37.
 2. Ibn Hisham II pp 346, 348; Fh. B. I pp 48, 70, 71, 73, 81-2, 89, 91.
 3. Thus Abu Bakr got a fief from the land of the Nadheer. Bilal ibn Harith Mazini was also given a big piece of land. 'Ali was given four pieces of lands, as fiefs. Umar got a fief at Khaibar. The Tribe of Rafi got a fief near Dumat-ul-Jandal. The Muhajirin and 3 persons of the Ansar were given fiefs from the lands of the Quraysh - Ibn Hisham p 247; Fh.B.I pp 26-7, 31, 34, 42, 102; Ibn Sad II/I pp 41-2.
 4. Yahya ibn Adam pp 70, 71.

No separate department of Police existed in his life time but only a little beginning was made in this direction. Qais ibn Sa'd one of his companions executed his orders and punished the criminal¹. The tribal chiefs and amils were responsible for the maintenance of the peace and order in the areas under their jurisdiction.

"THE INSTITUTION OF IHṬISAB"

In keeping with the religio-political character of the Islamic state, the institution of Iḥtisab or public censor came into existence. The Prophet himself performed the duties of the public censor². He punished those who committed adultery or drank wine. He enforced right dealings and inspected the markets of Madinah and punished those who were found guilty of using fraudulent means such as defective weights and measures³. Sa'id Ibn 'As inspected the markets of Mecca while sometimes, Umar⁴ inspected the markets of Madinah.

1. Bu 93: 11; F.B. XIII pp 109-10; A. Q. XXIV pp 232-33.

2. Bu 86: 3, 4, 20, 24, 27.

3. Ibid 34: 47; Mu 1:41; Kattani I pp 284-5.

4. Halabi III p 555; Ibid I pp 285-7.

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"THE INSTITUTION OF INSHA OR CORRESPONDENCE"

Letters were sent to the chiefs and kings of foreign states by the Prophet inviting them to Islam. Instructions were issued from time to time to the provincial governors and tax-collectors. Treaties of alliances were concluded with various tribes, and states.¹ The divine commandments revealed to him were reduced to writing. All this involved a heavy correspondence. The Prophet, being himself illiterate, appointed a number of his companions as his Katibs or correspondents. Abu Bakr, 'Umar, 'Uthman, 'Ali, Zubair, Zaid ibn Thabit, Mi'awiyah, Mughirah, Khalid ibn Sa'id, Amir ibn Fuhairah, Aban ibn Sa'id, Ubayy ibn Kab, ^Hanzala, Shurhabil Ibn Hasanah, 'Amr ibn 'As, etc. held this office of great honour. The Prophet affixed his seal² to the documents and letters drafted by his Katibs.

1. Zurqani III pp 333-7; 340-1; 343-4, 347, 351, 352, 353, 356, 358, 359, 360, 361-2.

2. Ibn Kathir V pp 355-6; Zurqani V p 31.

"SECRET SERVICE"

At the time of wars or despatch of military expeditions, the Prophet used to send his companions to watch the movements and whereabouts of the enemy. They were instructed to act in such a way as not to give the least information or cause the least suspicion to the enemy of their doings and movements. He had posted his agents at Mecca, and other strategic centres and important routes. They informed him of the movements of the enemy quite in time.

They were also sent to sow discord among the different sections of the enemy and his allies. They disseminated false news in order to discourage them or

1. Ibn Hisham II pp 59, 64, 65, 226, 227.
2. E.g. Abbas ibn Abdul Muttalib - Isteeab 2034, II p 298; Kattani I p 363.
3. Anas ibn Abi Marthid was his agent in Awtas and Mamsir ibn Aar as-Saidy in Najd - Isteeab 20 I p 30; Kattani I p 363.
4. The Prophet had gone to Dumat-ul-Jandal and at the same time almost all the Arab tribes had planned an attack on Madinah but he was so better informed that he returned to Madinah a fortnight before the appearance of the enemy at the gates of his capital and got ample time to make full preparations for its defence; Ibn Sad II/I p 49; Ibn Hisham II pp 226-7.
5. Ibn Hisham II pp 193-4.
6. ~~Ibn Hajr 'Isabah'.~~

extract some other benefit from them.¹ His system was so efficient and elaborate that no leakage ever occurred. The Quraysh did not at all get any information² of his advance to Mecca and were taken quite unawares.

" THE LOCAL GOVERNMENT "

The Islamic state in the days of the Prophet presented to some extent the features of a federal Union. The tribes were its constituent units. Contracts were entered between their heads and the Prophet - the head of the Islamic state.

By the terms of these contracts, the constituent units were required to surrender the right to wage war, conclude peace and impose taxes to the central government. They were not to develop any sort of relations with the non-Muslims tribes. The non-Muslims tribes were to submit willingly to the Islamic state by paying the Jizyah.³ They, too, were not to declare war against any other tribe or conclude any treaty of peace or alliance with any one. In other words taxation,

1. Tabari I p 1566.

2. Ibn Hisham II p 267.

3. Ibid pp 346, 348; Ibn Sad I/II p 21.

defence and foreign affairs were the federal subjects or the concern of the central government with the Prophet at its head while the administration of justice and maintenance of peace and order etc. were the functions of the constituent units i.e. the tribes. Often in the collection of taxes, the tribal chiefs acted as the agents of the central government and were appointed as collectors of taxes. Some time the companions of the Prophet performed these duties. The amount of money realized through taxes was spent on the needs of the tribe or locality.¹ No custom duty or ughur² was charged on their merchandise. This gave impetus to trade.

To a very large extent, the units enjoyed autonomy. The old tribal organisation still worked with this great difference that particularism had been subordinated to the feelings of paying homage to a common chief. They did no longer remain as hostile or warring tribes.

Instructions were issued from time to time by the Prophet for the guidance of the tribal chiefs who exercised the executive authority. They were appointed by him on account of the knowledge of the Quran, influence, courage and wise counsel. They were under the supervision

1. Ba 24: 1, 64; 58: 4; Tir 5:22; A.D. 19:4.

2. The 'Zollverh' or the alliance of the German tribes and states provides a resemblance to it.

of the Prophet and were not allowed to become autocrats.

Discretion was given to them of interpreting the sacred law in case they did not find any clear or precise order in the Quran or in the Sunnah.

They could extend their protection to any one and put the obligation on all Muslims including the Prophet.

They were to pay their blood money in mutual collaboration and could secure the release of their prisoners of war by paying the ransom.

A rule of uniform law was established. If any one was intentionally murdered by any one, he was to be killed in retaliation unless the heir of the murdered was satisfied with the blood money. All men were to stand for this ordinance.

The tribes were required to send their deputations to Madinah to receive instructions in the fundamentals of Islam and see them translated into actual practice. They thus got a chance of living in Islamic atmosphere and were saved from the un-Islamic surroundings and remained firm

1. Tir 13:3,

2. ~~Ibn Sad I/II p.~~

3.2 Ibn Hisham II p 16-7.

4.3. Bu 87:88; A.D. 38:3,4; Tir 14: 1, 13.

5.4 Tabari "Tafseer" XI p 50;.

in the faith.¹ They were exhorted by the Prophet to take up their abode in the city of Islam i.e. Madinah. Their travelling, lodging and fooding expenses were paid from² the treasury. The Prophet gave them money and presents.

To the tribal chiefs belonged the right of deciding disputes among the members of their tribes.³ Appeals against their judgments lay to the Prophet.

They thus combined in themselves the duties of the magistrate, the Qadhi and the tax collector.

"THE MILITARY SYSTEM"

The Prophet was the supreme commander of the forces of Islam. To him belonged the authority of using troops and the powers of disposing of all military equipments and supplies.

He held the supreme command in his hand in all the major campaigns. These were known as the

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1. E.g. Despite the Pro-Muslim policy of the Negus two Muhajirin embraced Christianity in Abyssinia - Sakran and Ubaidullah ibn Hajash as a result of Christian surrounds - Ibn Hisham II pp 251.
 2. Ibn Hisham II pp 336-7; Ibn Sad I/II pp 40, 41, 43, 47, 53, 54, 55, 56, 59, 61, 63, 64, 65, 66, 67, 69, 72, 76, 77.
 3. Isteeab No. 1455 p I p 350.

Qhazawat. He often sent expeditions which were either to watch the movements and whereabouts of the enemy of¹ intercept their caravans or maintain peace and order. He appointed his companions noted for their military skill like Hamzah, 'Ali, Khalid ibn Walid, Abu Ubaidah, 'Sad ibn Abi Waqqas² and 'Amr ibn 'As as the commanders of these expeditions. Even slaves were appointed as³ commanders.

The Prophet declared wars, issued the marching orders, raised conscription, directed the operations of wars, distributed the booty, ordered for the cessation of⁴ hostilities and concluded peace. In his absence, the commanders appointed by him sought his instructions in⁵ regard to the continuance or cessation of hostilities.

He vigilantly supervised the conduct of the soldiers with the result that not a single case of rape

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1. Ibn Hisham II p 59; Zurqani II p 156; Bu 64: 67;
Ibn Sad II/I p 65.
 2. Ibid pp 354, 355, 357, 358, 359, 363, 364; Mu 32:2;
Ibn Athir II p 45, 57, 58, 85, 86, 87, 93, 94, 95,
96, 97, 106.
 3. E.g. Zaid ibn Haritha was appointed as the commander over
the expedition sent against Muthah - Ibn Hisham II pp 121
256, 354, 357, 364; Ibn Athir II pp 96, 97.
 4. Ibn Hisham pp 76, 86, 128, 176, 190, 195, 197, 200,
213, 229-31, 239, 240, 246-7, 248, 256, 260, 265, 270-1,
274, 303, 306, 308, 316, 319, 320, 325, 345, 346, 349.
 5. Ibn Athir II pp 86.

ever took place. The soldiers were to render implicit¹ obedience to their commanders and observe strict discipline. He emphasized to them the strict observance of the terms² of agreements. They were not to destroy the enemy crops, houses and places of worship. Women, children, the aged, the blind and those engaged in religious pursuits were not³ to be touched. Unnecessary blood-shed was to be avoided. He reduced the blood-shed to the minimum as is evident from the fact that in the short period of 10 years one million square miles came under his dominions but the⁴ total casualties of the enemy was only one per month.

All able-bodied Muslims constituted the standing army of Islam. They returned to their accustomed⁵ every day task on the cessation of hostilities.

The forces were arranged or organized on tribal basis. Excepting the Ansar and Muhajirin, every tribe had its own banner round which its members⁶ rallied.

There was a standard of the Prophet⁷ which

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1. Bu 56: 107, 108, 112.
 2. A.D. 15: 157: He handed over Abu Jandal to Meccans according to the terms of the treaty of Hudaibiyah- Ibn Hisham II p 231.
 3. Bu 56: 148, 149; Mu 32: 2, 7; I.M. 24: 30, 38; A.D.15: 110, 111, 112, 113; Tir 19: 44.
 4. Hameedullah 'Qanun-i-Bainul Mamalik' p 20.
 5. Bu 64: 79; Ibn Hisham II p 316.
 6. Bu : 48, 63; Ibid p 132, Zurgani II pp 24, 97, 302, 304, 305, 307, 310; Z.M. IV p 294.
 7. Ibn Hisham II pp 195, 235, 239; Ibn Athir II p 45-6, 48, 62; Z.M. IV pp 66, 69, 274, 295.

was the national banner of the forces of Islam.

The soldiers were divided into cavalry and the infantry. ¹ Spears, shields, ² swords, arrows and mangonels were the weapons of war. The soldiers wore a helmet and a breast plate for their protection and carried a round shield with them. ³ Prominent warriors of his army ^{wore} distinctive costumes during the ⁴ campaigns.

The Prophet arranged his army in straight, ⁵ regular and close lines. An officer known as the wari was appointed to do this work. The inspection was held before the departure of the army. ⁶ Minors and undesirable persons were sent back.

He divided it into five corps - the centre, the right flank, the left flank, the vanguard and the rear guard which was incharge of the luggage and

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1. Ibn Athir pp 63, 86, 213, 247, 293; Z.M. I pp 44, 66, 129, 212, 213-4, 274.
 2. Ibn Athir II pp 55, 59, 67, 68, 71, 73, 129, 239, 290 293, 303, 362; Bu 64:9, 16, 17, 39, 46, 57.
 3. Ibn Athir II 129, 135, 239, 269, 288, 290; Z.M. IV p 154; Bu 56:79, 83, 87, 64; 25.
 4. At the battle of Badr, the Muslim soldiers wore a sort of woolen crest as a distinctive sign; Tabari I p 1393.
 5. A.D. 15: 11, 64; Ibn Hisham II pp 68, 129;
 6. Tabari I p 318; Kattani I p 329-30.

¹
transport lines.

Military manoeuvres, periodical parades,²
horse and camel races, archery matches and sports
formed a regular feature of the military organisation and aroused the military spirit among the faithful and prepared them for the struggle.

Women participated in the battles as³
nurses,⁴ transporters⁵ of the wounded and the dead,⁶
cooks,⁷ water carriers and in emergencies even as actual
fighters.

The booty was regarded as the property of
God and the Prophet. The Prophet possessed the right
of disposing it. Those who fought in the ranks of
Islam were given a share of it by him out of its four-⁸
fifths. The infantry men were given half of the share⁹
of the cavalry.

Ibn Hisham II pp 63, 128-9, 258, 270-0; Kattani I p 324-5,
326-7.

Bu 56:56, 57, 59, 77, 78; Kattani I p 335.

Ahmad II pp 155, 157.

Bu 56:57; Ibn Hisham I p : Sharh-i-Kabir IV p 206.

Ibid Bu :67; Sharh-i-Kabir p 206.

Mabsoot X p 70

Bu 56:58;64:22.

Sharh-i-Kabir IV p 207; Tabari pp 1479-80.

Ibn Hisham II pp 60, 76, 200, 246-7, 306, 307, 308; A.D.
19:20.

Abu Yusuf pp 10-11.

Often those who on account of some unavoidable reasons could not take part in the war or were entrusted with some other work received a share.¹ Apart from the regular four-fifths of the booty, the soldiers got rewards or prizes as well.²

Fiefs were also granted to the participants in wars. Ali, Zubair, the tribe of Asad etc. for instance received such fiefs after the battle of Khaibar.³

An officer known as the "Saheb-i-Maghanim" was appointed to look after the booty.⁴

The pre-Islamic method of Karr wa farr i.e. return and flight was retained in the expeditions sent against the Quraishite caravans by the Prophet. A sudden return to the onslaught.⁵ But in the battle of Badr the

1. Ibn Hisham pp 93, 94, 95, 246; Ibn Sa'd I/II p 6.
2. The Prophet rewarded his soldiers with a fourth part of the state-share for captures during the forward march and with a third of the state share during the return journey - Mabsoot I p 28.
3. A.D. 19:24; Ibn Hisham II pp 247-8.
4. At the battle of Badr and Khaibar, 'Abdullah ibn Kab performed these duties while Badyal bin Warqah was the Saheb-i-Maghanim at the battle of Hunain - Kattani I p 330.
5. Ibn Khaldun 'Muqaddimah' p 298.

Prophet changed the method of fighting. He arranged his army into straight and regular ranks which he put in order himself.¹

Tactics varied with circumstances. E.g. At Badr he ordered the Muslims not to attack without his order. They could beat off with arrows such of the enemy as came in inconveniently close.²

A common preliminary to the battle was to rouse the martial ardour of the Muslims by the recital of a verse from the Quran reminding them of the rewards of God or verses describing the exploits of their kinsmen and urging them to victory.³

An other preliminary to the general onslaught⁴ was the single combat between champions from either side.

The Prophet often sent advanced guards to meet the enemy advanced guards before the main bodies came up.⁵

He usually avoided night raids but at times he allowed it.

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1. Ibn Hisham II p 68.
 2. Bu 64:8; Tabari I p 1318.
 3. Tabari 56: 158; Ibn Hisham II pp 69, 130, 136.
 4. E.g. At Badr, before the general onslaught, the heralds of the Quraish challenged the Muslims to send out men for single combat. The Prophet first sent three Madinites but on the refusal of the Meccans to fight them he sent three of his Meccan companions who fought them - Ibn Hisham II pp 67, 191.
 5. Ibid II pp 213, 214.

He fixed watch words or pass words (shiar)¹ for his followers which were repeated at the commencement of hostilities.²

The water supply of the enemy was cut off with great effect.³

He learnt and adopted the latest and most upto date methods of war.⁴

The enemy was attacked with all kinds of weapons.⁵ Mangonels and catapults were employed in attacking fortresses in the battles of Khaibar and Taif.⁶ The dabbahah which can be compared ~~which can be compared~~ with the modern tank was another weapon of war designed for direct attack on the city wall of Taif. The arradah was

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1. I.M. 24:30.
 2. A.D. 15:72; Ibn Hisham II pp 71, 192, 218; Kattani I pp 327, 328, 329.
 3. E.g. at the battles of Badr and Khaibar - Sharh-i-Kabir III p 213.
 4. E.g. he learnt the art of enterenchnent from his Persian companion - Salman and employed it in the defence of Madinah against the united attack of the Pagan Arabs and Jews who were quite ignorant of it at the time of the battle of Ahzab and successfully repelled them; Ibn Hisham II p 191, 301; Kattani I p 375. He sent two of his companions to learn the art of manufacturing the mangonels at Jarah.
 5. Sharh-i-Kabir III p 212.
 6. Ibn Hisham II p 303; Z.M. IV p 206 V pp 25, 26; Kattani I p 374.
 7. Z.M. V p 26; Kattani I p 375.

also used in this battle to throw stones.¹ He drew² up military plans after consulting his companions.

The site on which the enemy was to be offered resistance was chosen by the Prophet. It was well-equipped with pasture and water and was guarded on flank by mountains and thus a source of security and assistance in the actual battle.³

He misled the enemy by giving currency to apparently misleading things (tauriyah) and using ambiguous expression to consternate the enemy.⁴ It was announced that the Muslims were going to particular⁵ direction and a quite different route was adopted.

"FOREIGN POLICY"

The message of Islam was not confined to the Arabian desert alone. It was meant for all.

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1. Ibn Hisham II p 303; Z.M. V p 26.
 2. Ibn Hisham II pp 64, 66, 127, 128, 191.
 3. Ibid pp 66, 128, 318; Z.M. IV pp 47-8, 66, 146.
 4. Ibn ^{Ibid}Hisham II p 212; Tabari I pp 1302-3.
 5. Bu 64: 79; Ibn Hisham II p 212.

The conversion of any king or tribal chiefs especially the Byzantine or the Persian monarch would have been a source of great strength to Islam. The Prophet invited the Arab as well as non-Arab kings to Islam by sending his ambassadors to them with his letters. When Heraclius - the Byzantine emperor received his letter, he made enquiries about him and his faith from the Meccan merchants. He would have accepted Islam but for an uprear started against him by his courtiers.²

Khusraw Parwez - the Persian monarch considered the Prophet's letter as an insult to his haughty person and became infuriated with rage. He instructed Bazan his governor of Yaman to arrest the Prophet.³

From the very beginning, the Negus of Abyssinia had been favourably inclined to Islam. He had given refuge to the persecuted Meccan Muslims. According to some traditions, he had embraced Islam at the hands of Jafar on receiving the Prophet's letter.⁴ Thus one of the powerful neighbouring kingdom had come on the side of Islam and cordial relations were developed between the Muslims and the Abyssinians. The Prophet's letter thus cemented the friendship existing between him and the Negus and paved the way for further success.

1. Bu 56; 100, 101, 104, 64:84; Ibn Hisham II pp 352-3; Ibn Sad I/II pp 15, 16, 17, 19, 20, 21, 23, VI/II p 76.
2. Bu 56; 101; F B. I P 31; Zurqani III pp 334, 335-7, 338, 339.
3. Ibn Sad I/II p 16; IV/I p 185.
4. Ibn Hisham I pp 215.

The reply of the ruler of Egypt to the letter of the Prophet was also favourable. He sent presents to Prophet¹ and friendly relations were also developed between the two. It weakened power of the Byzantines as they could no longer get the active support of Egypt in their struggle against the Muslims.

The chieftain of the Ghassanid state had put the messenger of the Prophet to death.² This was quite against all the practices of the international law. The guilty of this cold blooded murderer was to be punished and the strength of the Muslims be demonstrated to them.³ So the Prophet despatched an expedition against them. It impressed upon them that the Muslims could not tolerate any barbaric or uncalled for action.

Through these letters of the Prophet developed friendly relations with Abyssinia, Egypt and the chiefs of Yaman, Oman and Hajar.⁴ It secured the safety of the Islamic state and proved to be a prelude to further conquests and expansion. The conversion of the chiefs of Yaman, Bahrain, Oman and Ghassan was a fatal blow to the power of Persia and Byzantium for they were deprived of their allies.⁵

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1. Ibn Sad I/II pp 16; Z.M. V p 247.
 2. Ibid pp 17, 20; Z.M. IV pp 268-9.
 3. Ibid.
 4. Ibn Sad I/II pp 19, 21, 27, 33; IV/I p 76.
 5. Ibid pp 20, 21, 27, 33; Ibn Hisham II p 346.

The Prophet entered into alliances of mutual help with a large number of tribes. After the conquest of Mecca, deputations poured into Madinah from all the four corners of Arabia entered into alliance with him. Among them mention may be made of the tribes of Asad, Ghassan, Muzainah, Tamim, Ashar, Asd, Khaulkan, Tay, Daus, Thaqif, Zabeed, Kindah, Fizarah, Himyar, Najran, Abdul Qais and Hamdan etc. In the two years - the ninth and tenth year of the Hijrat the Prophet was universally acknowledged as the ruler of Arabia. The number of his allies and friends increased day by day. He sent to the courts of Oman and Bahrain residents who had exclusive jurisdiction over the Muslims in these provinces but the local rulers retained their powers in the residuary matters. He received foreign embassies.

1. Z.M. V pp 166, 161, 162, 212, 158, 169, 159, 203, 172, 146, 153, 164; Ibn Hisham II pp 40, 333, 334, 340, 342, 345.
2. Ibn Hisham II p 33.
3. Vide- The characteristic phrase - 'If you submit I shall leave intact the power you exercise' occurred in the letters of the Prophet addressed to foreign princes - Ibn Sad I/II p 19.
4. The following is the list of the ambassadors received by the Prophet:-

NAME	REPRESENTING	PURPOSE
1. Mukhraj ibn Hafs	City state of Mecca	To carry on negotiations with the Prophet before the conclusion of the treaty of Hudaibiyah.

Continued on next page.

"THE PRINCIPLES OF STATE CRAFT"

The first and foremost concern of the Prophet in the domain of statescraft was the propagation of Islam. Material gains like monetary or financial or

(4) continued

<u>NAME</u>	<u>REPRESENTING</u>	<u>PURPOSE</u>
2. Halees ibn 'Alaqmah	City state of Mecca.	To carry on negotiations with the Prophet before the conclusion of the treaty of Hudaibiya.
3. 'Urwah ibn Masud	-do-	-do-
4. Sahl ibn 'Amr	-do-	-do-
5. The embassy headed by Abuya Layl	Thaqif	To sign the terms of peace with the Prophet.
6. The embassy headed by Atarud ibn Hajib	Tamim	To seek alliance with the Prophet.
7. The embassy headed by Amir ibn Tufail	'Amir	-do-
8. The embassy headed by Dhaman ibn Thalabah.	Sad	-do-
9. The embassy headed by Jarud ibn 'Umar	Abdul Qais	-do-
10. The embassy headed by Zaid-ul-Khail	Tay	-do-
11. The embassy headed by Amir ibn Madi Karb	Zabeed	-do-
12. The embassy headed by Ashith ibn Qais	Kindah	-do-
13. The embassy headed by Sard ibn 'Abdullah	Azd	-do-
- Ibn Hisham II pp 227, 228, 229; Ibn Sad I/II pp 53, 40, 51, 44, 54, 59, 64, 71.		

feelings of retaliation were of no consideration before it. The Meccans under the leadership of the Quraish had been the bitterest enemies of the Prophet and Islam. They had put Muslims to all sorts of hardships and persecutions and had tried their best to exterminate Islam. Mecca would have been ransacked but its conquest by the Prophet was bloodless. It is rarely that a victor has exploited his victory with greater self restraint and forbearance than did Muhammad. There was no plunder and no looting. It was done with a view to win over the Meccans to Islam. And it had the desired effect. The inveterate and arch enemies of Islam entered the fold of Islam.

The chiefs of Taif had insulted him in the early year of his Prophetic Mission.¹ At the battle of Taif, too, their soldiers had hit iron at the Muslims through Dabbahs. But when they sought mercy, the Prophet granted their request and cordially welcomed them.²

He showed magnanimity to the war captives which had not been shown by any other Arab conqueror. E.g. he ordered for the whole-sale release of the prisoners of war captured at the battle of Hawazin.³

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1. Ibn Hisham I p 260.
 2. Ibid II pp 303, 325-6.
 3. Ibid p 306.

The tribe of Hawazin was extremely pleased and willingly submitted to Islam.

Another principle which contributed to his success was his elaborate system of information. It kept him informed of the movements and doings of the enemy. For this purpose his followers were secretly distributed throughout the desert where they passed for merchants and concealed their identity. Before the battle of Ahzab, the Prophet had gone to Dumat-ul-Jandal in the north. Taking advantage of his absence, the Arab tribes planned an attack on Madinah. But he got timely information of the forthcoming invasion through his agents and returned to Madina, fortnight before the arrival of the enemy and completed all the defensive arrangements such as the diggingⁿ of the moat and was able to successfully resist them.

His system was so elaborate that not a single leakage ever took place. The closing of all strategic points and roads to private persons was another means for preventing infiltration of news of military importance.

Economic pressure was another device of weakening the enemy. The Quraish lived on trade. They lead commercial caravans to the south to Yaman in winter

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1. E.g. The prophet led an army of ten thousands of the faithful to Mecca but the Meccans could come to know of its arrival only when it had reached the suburbs of their city - Ibn Hisham II p 267.

and to the north to Syria, Iraq, Egypt etc. in the¹ summer. Their northern route lay on the area lying between Yaman and Madinah. The Prophet concluded treaties with the tribes inhabiting this area in the² first few months of the Hijrat and befriended them. He sent raiding parties to intercept the Quraishite³ caravans. They had to change it and proceed to Syria via Iraq through Najd.

After the battle of Uhud,⁴ the influence of the Muslims spread over Najd and this route, too, was closed to the Quraish.

After the treaty of Hudaibiyah those Muslims who were still persecuted by the Quraish in Mecca and could not go to Madinah according to the terms of the treaty fled from Mecca and took up their abode on the coastal area. They raided and harassed the Quraishite caravans who happened to pass through that route. Their economic position began to deteriorate and they had to ask the Prophet to treat the clause of the treaty banning⁵ the entry of these Muslims in Madinah as dead.

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1. The Quran 106:2; Ibn Hisham II p 61; Zurqani I p 395.
 2. Zurqani I p 393, 395-6.
 3. Ibid pp 390, 392, 394, 395; Bu 64:67.
 4. Ibn Hisham II pp 191-2.
 5. F.B. VIII p 61; Ibn Hisham II p 233.

The closing of the trade routes, the effective interception of their caravans and the stoppage of the export of corn to Mecca from Yamamah¹, all contributed to the submission of the Quraish to the Prophet.

A number of tribes earned their livelihood by selling food-stuffs, water and other necessities of life to the caravans at various junctions of the trade route. After the closing of the trade route to the Quraishite caravans, these tribes were deprived of their means of livelihood. They, therefore, sought² the help of the Prophet and concluded alliance with him. This further reduced the number of the allies of the Quraish.

Encircling the enemy from all sides was another device of shattering his strength. After the treaty of Hudaibiyah, the Quraish were encircled on all sides by the Muslims and their allies. For example the tribes of Aslam and Khuzah³ who lived in the neighbourhood of Mecca became the allies of the Muslims. The military superiority of Muslims⁴, their conquests and control over the economic resources and their readiness to help their allies were responsible for getting so many allies.

1. Ibn Hisham II p 365.

2. Ibn Sad I/II pp 48-9.

3. Ibn Hisham II p 227.

4. For instance Ashjah sought an alliance with the Muslims for the purpose of satisfying their economic needs-Ibn Sad I/II pp 48-9.

The hypocrites and the Jews always tried to create disruption among the Muslims. The Prophet adopted the same strategy at the battle of Aḥṣab. He caused dissensions through Abu Nā'im in the enemy camp. Each one of the groups became suspicious of the other. This led to the break-up of the coalition of his enemies and rendered the combined forces of Arabia ineffective to defeat him.¹

Winning over the influential Arab chiefs to the side of Islam or the institution of 'Ṭalif^{al}-Qulub' was another effective and successful device. Subsidies and munificent donations were given and fiefs were² granted to those who had been the arch enemies of Islam.

Helping the enemy at the time of calamities and distress also went to soften their hearts towards the Prophet and Islam. Thus his handsome contribution towards the famine relief fund of Mecca⁴ and lifting the ban on the export of corn to it⁵ softened the hearts of Meccans.

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1. Ibn Hisham II pp 193-4.
 2. E.g. Abu Sufyan and other leaders of the Quraish were given 100 camels each from the booty acquired at the battle of Hunain - Ibn Hisham II pp 308, 309, 310.
 3. Sharh-i-Kabir I p 69.
 4. Ibn Hisham p 365.
 5. Mabsoot X pp 91-92; Sharh-i-Kabir I 69.

Prominent and leading non Muslims were greatly honoured. When Abu Sufyan - the inveterate enemy of Islam embraced Islam, he was given presents. He was further honoured by the Prophetic announcement that he who took refuge in his house at the time of the conquest of Mecca would be granted immunity from murder. He was appointed as the governor of Najran. 'Amr ibn 'As who was a notable figure among the Quraish was despatched as the commander of expedition against the tribe of 'Azrah and distinguished companions of the Prophet like Abu Bakr and 'Umar served as soldiers under him. Khalid ibn Walid - the brilliant general was given the title of Saifullah. The Arab chiefs and nobles and the deputations of the tribes - Muslims as well as non Muslims were cordially received. The Prophet himself became their host, gave them presents and financial subsidies. This generous treatment won

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1. Ibn Hisham II pp 269, 308.
 2. F.B. XIII p 169; Zurqani III p 363.
 3. It is evident from the fact that he was sent by the Meccans to the Negus to demand the extradition of the Muslim refugees - Ibn Hisham I p 211.
 4. Ibn Hisham II p 359.
 5. Ahmad IV p 90; V pp 299, 300.
 6. Ibn Hisham II pp 326, 336-7, 382; Ibn Sád I/II pp 40, 41, 43, 47, 53, 54, 55, 56, 59, 61, 63, 64, 65, 66, 67, 69, 72, 76, 77.

themselves over the side of Islam.

He married women of noble birth with a view to honour them and also cement the bond of Union between himself and the tribes of Arabia E.g. he married Safyah - the daughter of a Jewish chieftain captured at the battle of Khaibar. These marriages made his position very secure.

" NON-MUSLIM CITIZENS "

When the Prophet arrived at Madinah it was inhabited by the Jews and pagan arabs as well. The Jews had a decisive voice in many matters. They were the allies of the tribes of Aus and Khazraj and participated in their internecine feuds. For the welfare, prosperity, tranquility and unity of Madinah it was necessary that a charter laying down the rights and duties of these heterogeneous elements should be drawn up and acted upon and these element should be treated as one unit. Accordingly on the Prophet's initiative, a charter was quickly and most equitably drawn up and signed up by all parties.

He fully realised the apprehension of the Jews and granted to them all they desired. Religious and judicial autonomy was guaranteed to them. An era of religious toleration at a time when every where religious persecution was the general rule was thus inaugurated by

1. Ibn Sad I/II p 85; Ibn Hisham II pp 240, 241.

2. Ibn Hisham I pp 266-7.

the Prophet. Full and equal rights of citizenship were conferred on them and no distinction was made between them and Muslim in this respect. They were to be helped and protected from insult or persecution and had an equal right with the Muslims to their assistance and good offices. They were to join the Muslims at Madinah against all enemies. Their allies were to be respected. The expenses of wars were to be borne by them as well as the Muslims. Disputes arising out of this treaty were to be referred to the Prophet. War and peace were thus made the subject of common concern. In their internal affairs such as maintenance of law and order and administration of justice i.e. blood revenge and ransom of their prisoners and ecclesiastical affairs, the Jews enjoyed complete autonomy.¹

In return only loyalty to the city state was demanded from them.

Religious autonomy was also granted to the Christian of Najran who had a big Church at Najran and the Magians. To their lives, religious and property was extended the security of God and the pledge of the Prophet in a charter. Full freedom in the observance and the practice of their faith was guaranteed. They were not to exercise the right of vengeance as in the

1. Ibn Hisham II p 17.

days of the ignorance. They had to pay the Jizyah. They¹ were not to take usury. It was also laid down that they would not be treated ^{unjustly} ~~injustly~~.

The non-Muslim citizens were exempted from military service and in lieu of that had to pay the Jizyah. The rich had to pay 48 dirhams, the man with average means 24 and others at 12 annually. They were³ guaranteed the protection of life, honour and property. They could appear as witnesses in their cases and in the cases of Muslims affecting testamentary dispositions.⁴ They further enjoyed juridical autonomy and their disputes were decided according to their personal laws.⁵ The Prophet was the final judge if and when they referred their cases to him at their option. He administered their personal laws.⁶

The Prophet instructed his provincial agents not to resort to violent methods in the realisation of taxes i.e. Jizyah and they were not to be taxed beyond⁷ their capacity. Their women and minors were exempted.

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1. Ibn Sād I/II pp 35, 18; Z.M. V pp 180-1.
 2. Vide the Charter granted to the Magians - Ibn Sād I/II p.1
 3. Bu 87:30; Tir 14:10, 11; Mas 45: 14; I.M. 21: 13,32.
 4. A.D. 23:19.
 5. Ibid; Bu 56: 174; Ibn Hisham II p 17.
 6. Ibid p 393-5; A.D. II p 152; Bu 61: 56, 97; 51.
 7. A.D. 19:33.

Similarly it was not exacted from the indigent, the blind and from the chronically sick¹ and from the monks. They were to be treated leniently.

They paid less amount of taxes than the Muslims. The Muslim citizens had to pay the 'ushr, Zakat, Sadaqat and had also to subscribe to the general fund² raised at the time of expeditions from time to time³ but non-Muslims had to pay only Jizyah and the land tax.

(i) "MUSLIMS IN FOREIGN TERRITORIES"

The Prophet ordered the non-resident Muslims⁴ to observe the laws of Islam wherever they might be. But they were to accommodate themselves to the laws of the country where they lived. For instance he recommended that the Muslims should take refuge in Abyssinia as the Negus - a just ruler governed it. The Muslims enjoyed perfect freedom of conscience in Abyssinia.⁵ During the same time, the Byzantine governor of Maan who had embraced Islam was ordered by the emperor to abjure his new religion⁶ and on his refusal he was beheaded. The treatment of

1. Abu Yusuf p 71.

2. E.g. battle of Tabook - Ibn Hisham II p 316.

3. Ibn Hisham II pp 16-7.

4. Ibn Sad I/II p 136; Tabari I p 1603.

5. Ibid p 31.

6. Tabari I pp 1547, 1551.

Muslims depended more on the whims of the ruler than on any other fixed rules based on reciprocity. After the treaty of Hudaibiyah, the Prophet returned all the Muslims who had come to him to seek refuge inspite of the fact that he was fully convinced that the Muslims were subjected to unbearable hardships and persecution at Mecca.¹

In the absence of treaty relations and non-existence of hostilities between a non-Muslim state and the Islamic state, the Prophet spared its citizens unmolested if their bonafides were established and a sort of prosterior permit was granted. Once a foreign non-Muslim came to Madinah with a herd of cattle without any permit. He was not only unmolested but the Prophet bought a goat of him. The Nabataen caravans coming from Syria or Mesopotamia visited Madinah.²

"COMMERCIAL INTERCOURSE"

The Prophet took the initiative of giving impetus to trade and commerce even at the expense of state income. He abolished all inter provincial custom

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1. Tabari I pp 1547, 1551.
 2. Masudi 'Tanbih' p 248.

duties within the realm. A number of treaties with tribes submitting to him stipulated them.

Foreign trade was subject to the usual tithe or whatever percentage was stipulated for by treaties and conventions between the parties.¹

The Prophet believed in free trade and did not interfere with prices.²

"POLITICAL INTERCOURSE"

Envoys were sent to foreign states and secret agents were posted in foreign states in the time of the Prophet.³ These agents kept him informed of all that happened in these places.

There was a sort of master of ceremonies in Madinah who instructed the foreign envoys previous to their reception by the Prophet in the local formalities.⁴

The Prophet received foreign envoys in the great mosque. He along with his companions put on fine dress at the time of the reception of the envoys.

1. Abu Yusuf pp 78, 116.

2. Ibid p 28.

3. E.g. Abbas was his secret agent in Mecca while Avas ibn Abi Murthid al Zharwi was his agent at Awtas and Munzir bin Amr as Sayia was his agent in Najd. - Isteeab No. 2034 II p 498 M. Kattani I p 363; Ibn Isabah p 153, Musa ibn 'Uqabah' quoted in 'Muslim conduct of state' p 134.

4. Tabari I p 1690.

He gave them presents.¹ He also accepted the gifts of foreign princes and used them in his official capacity.²

The envoys were officially entertained.³

They were accorded full freedom of religious rights and prayers e.g. the embassy of the Christians of Najran celebrated their service in the very mosque of the Prophet.⁴

They were detained only in extraordinary cases e.g. The Meccan envoys were detained when Uthman - the Prophet's envoy was detained at Mecca.

*PEACEFUL SETTLEMENT OF INTERNATIONAL DIFFERENCES

The object of the Prophet's diplomacy was the peaceful solution of international disputes promotion of harmony between different states. One of these

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1. ^{Tabari} Ibid p 1826.
 2. Once he gave an envoy of 'Oman 500 dirhams; at another occasion gold and silver girdles and at other times other things - Ibn Sad I/II pp 40, 43, 66;- Tabari I p 1574; Kattani I p 390.
 3. He took special pains personally to entertain the Abyssinian envoys - Abdul Bagi p 45-6; quoted in 'Muslim conduct of state' p 139; There were several large houses in Madinah specially meant for foreign guest e.g. the house of Ramlah Bintal Harith and the guests' house; Kattani I p 445.
 4. Ibn Sad I/II p 85.
 5. ~~Halabi III p 26; Sharah-i-Kabir IV p 320.~~

methods was conciliation or good officers. Often third parties friendly to both the parties served as channels for mutual negotiations and tendered friendly suggest¹ to bring the disputants to an amicable settlement.

The second method was arbitration. This meant the determination of a difference between the Prophet and the other tribe or state through the decision of an umpire chosen by both the parties. The most important case in the time of the Prophet is the arbitration as to the treatment to be meted out to the Banu Quraizah on their capitulation on the condition that Sad ibn Muaz should decide their lot. The Prophet accepted it and² carried out his award fully.

"ENEMY PRISONERS"

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In accordance with the Quranic injunctions, enemy persons were captured in a number of battles such

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1. E.g. In 1 A.H. on the intervention of Majdiy ibn 'Amr - an ally of both the Muslims and the Quraish both the detachments - Muslims as well as the Quraish parted from each other quitely. Ubaiy ibn Salul as an old ally of the Banu Qainuqa interceded with the Prophet on behalf of that tribe and the Prophet granted him his request.- Tabari p 1491.
 2. Abu Yusuf p 129.
 3. The Quran 47;4.

as Badr, Quraizah, Hunain.

The prisoners were liberally treated.¹
Their position and dignity was respected according²
to individual cases.

To the Prophet belonged the discretion to decide ~~the~~ whether the prisoners were to be beheaded or enslaved or released on paying the ransom or exchanged^{or} released gratis.

Persons surrendering on conditions were treated according to the terms of the capitulation. On unconditional surrender, mere past acts of belligerency constituted no ground for putting the prisoners to death. Only in extreme cases of necessity and in³ the higher interests of the state, they were beheaded.

The females and children of the Banu Quraizah were by the decision of Sad - the arbitrator of their (the Banu Quraizah's) choice, enslaved and distributed⁴ as booty. The prisoners of the Hawazin in 8 A.H. were

1. The Muslims contented themselves with dates and fed their prisoners with bread - Tabari I 1337-8; They were provided with clothes - Bu 56: 142; Ibn Sad II/I p 111.
2. Jahiz I p 22.
3. Two prisoners of Badr who were the inveterate enemies of Islam were beheaded by the orders of the Prophet- Ibn Hisham II p 77.
4. Ibn Hisham II pp 197, 200.

distributed among the Muslim soldiers but all of them were set free in answer to the request of the other Hawazin¹ites.

The females and the children of the Banu Mustaliq were also enslaved and distributed among the Muslim soldiers. Later on they, too, were set free on the persuasion of the Prophet.²

^{His}
this declaration that Arabs could not be enslaved did a lot to abolish or at least weaken the institution of slavery.³

"FIDYAH OR RANSOM"

The prisoners were often released on various kinds of ransom and compensation by the Prophet. Sometimes, they were required to teach a number of Muslim boys calligraphy;⁴ sometimes money in gold or silver was accepted⁵ sometimes other goods, for instance, spears and ammunitions of war were taken.⁶

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- ^{Ibn Hisham II}
1. Ibid p 306.
2. Ibid II pp 216, 218, 219.
3. Mabsoot X p 118.
4. Ibn Sad II/I p 14.
5. Ibn Hisham II p 83.
6. Kattani II p 38.

"EXCHANGE OF PRISONERS"

A number of instances have been recorded of the exchange of prisoners in the life of the Prophet - sometimes one for one, at others one for ¹more.

"GRATUITOUS RELEASE"

Gratuitous release of the prisoners of war ²took place from the battle of Badr until his death. Sometimes they were released on parole and were required ³not to take part in hostilities against the Muslims.

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1. Tabari I pp 1345-6, 1862.
 2. Ibn Hisham II p 83.
 3. Ibid.

CHAPTER 'III'

THE STRUCTURE, ADMINISTRATION & ORGANIZATION OF
THE ISLAMIC STATE IN THE DAYS OF THE KHILAFAT-I-
RASHIDAH:

"POLITICAL CONDITIONS OF ARABIA ON THE EVE OF
ABU BAKR'S SUCCESSION"

The Prophet's death seemed at first to destroy all that he had accomplished. The newly born Islamic state threatened to disintegrate. From every side came the alarming news of disloyalty, apostasy¹ and rebellion. The religious and political supremacy of Islam was contested by a very large section of Arabs.

The news of the death of the Prophet made the three false prophets burst forth with redoubled violence. They had detached powerful tribes around them from their allegiance to Islam. Mecca and Madinah along with Taif alone stood firm through the influence of the Quraish. Here and there only a few tribes maintained semblance of obedience but they were hardly discernable amidst the seething mass of rebellion. The Muslims were in a very critical position.²

1. M. B. I pp 103,104.

2. Tabari pp 1848,1871.

Other tribes denied Islam openly while a number of them violated one of the fundamental principles of Islam by refusing to pay the Zakat and driving out the Amils who represented the authority of the state. Even the capital was not safe from the menace of the Bedoin raids.¹

Every where the conflict was strong. The peninsula was on the war path and had to be reconquered for Islam.

With the death of the Prophet, the question of a successor - a question of extra-ordinary magnitude arose. The need of a controlling hand was felt by all. The difficulty was to fix the principle on which the successor was to be appointed. The Quran was silent. The Prophet had neither nominated any successor nor had left any concrete instruction regarding the exact method of succession. Probably this silence was deliberate and quite in keeping with the elastic and dynamic character of Islam. Had any rigid principle of election and succession been laid down it would have, in course of time, out-grown its utility.

When this question arose, the Ansar and Muhajirin - the two sections of the Muslims put forward their respective claims for ascendancy, prestige and honour that went with the high and sacred office of the Khilafat. It is wrong to suppose that the two sections in any way represented the

¹ Tabari I
1. Ibid pp 1873-4.

different conflicting political parties. They represented only the tribal groups vying with each other for honour and sanctity that went with the head-ship of the Islamic state and not for any worldly or material gain. The Arabs were traditionally accustomed to ^{tribal} family rule. The idea of authority apart from the frame work of the tribes was almost unintelligible to them. Islam had assimilated the tribal system as the most convenient basis of organization in many a field besides the military one.

The Ansar based their claims on the services rendered by them to the cause of Islam by affording shelter to the Prophet and his companions and fighting battles for the triumph of Islam.¹ But they, themselves, were sharply divided into the two rival tribes of Aus and Khazraj. They could not decide from which of them the Khalifa should be chosen.² The Muhajirin based their claims on having belonged to the Quraish and on having been the first to embrace Islam.³

Among them were the Hashimites - the Kinsmen of the Prophet who based their claims on their close relationship to the Prophet. They advocated the principle of blood relationship. Their choice fell on Ali - the son-in-law and

1. Tabari pp 1838

2. Tabari pp 1842-3

3. Ibid pp 1840, 1841.

cousin of the Prophet.¹

The Ansar assembled at the Saqifa-i-Barni Saidah to choose for themselves a chief. The assembly had fixed its choice on 'Sad ibn 'Ubadah. But he could not command the obedience of the entire Muslim community. The Quraish along^e were the most influential and respected family in the whole of Arabia on account of their past history, intellectual superiority, social position, guardianship of the Ka'bah, genealogy and services to Islam. They alone were in such a position that no Arab of whatever tribe was reluctant to show obedience to them.²

Then again the Ansar were sharply divided between the rival tribes of Aus and Khazraj. The tribe of Aus could not gladly accept the rule of Khazraj which had been its deadly enemy in the days immediately preceding Islam.³

The unity of Islam was at stake. On receiving the report of the elective conclave of the Ansar, Abu Bakr accompanied by 'Umar and Abu 'Ubaidah hastened to the Saqifah. In answer to the claims of the Ansar, Abu Bakr urged the claims of the Muhajirin by mentioning their merits as regards precedence in Islam and perseverance in the face

1. F. B. VII p 20; Ibn Hisham II p 373.

2. Ibn Hisham II p 373.

3. Ibn Athir I pp 241, 242, 243, 244, 245, 247, 249, 250, 251;

F. B. VII p 20; XVI p 186.

of hardships and the most painful persecutions at the hands of their own kith and kin in Mecca. He quoted the words of the Prophet that the Imam^{at} or the leadership belonged to the Quraish. He acknowledged the services of Ansar in generous terms but he counterbalanced their claims. His speech won over Bashir ^{ibn} Sa'd of the Khazraj and most of the members of the tribe of Aus to his side.¹ Umar proposed his name and struck his hand on his as a token of the allegiance which continued to the latest times as the sign and token of election and homage to the Khalifa's election. Others also swore allegiance to him. Ali and a few other members of the tribe of Hashim abstained from swearing allegiance till such time as they were fully convinced of the futility of their abstention.²

The following broad principles emerged from Abu Bakr's election:-

That the conditions with regard to competence being fulfilled the Khilafat should go to the leader of the most influential section of the community. That the Quraish possessed such an influence was beyond controversy. Had any non Quraishite been elected as Khalifa, Arabia would have been the scene of a civil war.³

1. F. B. VII p 22; Ibn Hisham II p 373

2. ~~Ibn Hisham~~ F.B. Ibn Hisham II p 373; Ba 62:6

3. Ibn Hisham II p 373.

The hereditary descent of kingly power did not find favour with the companions of the Prophet and it had no part in the election of the first Khalifah.

The authority of the Khalifa is derived from the Muslim community and the act of election is a veritable contrast between him and the community.

The principle of free election by *hall wal Aqd* ^{hall wal Aqd} Ahlul Hal wal I'qd or the pillars of the state and its confirmation by the general homage was also laid down for the subsequent history of the Khilafat¹. Abu Bakr was selected on account of the seniority of age², piety and probably also because of the fact that he had been appointed to lead the congregation at public prayers by the Prophet in the last days of his life³ and the leadership of the prayers meant the leadership of the Muslim community as well as for in Islam the church and the state are combined into one. Then again he had been the most faithful and constant companion of the Prophet throughout his whole life.

1. E.g. Abu Bakr was first elected by the pillars of electors at the Saqifah and it was afterward confirmed by the general homage. -Ibn Sad III/I p 129

2. Ibn Qutaibah 'Al-Imamat was Siyasat' p 19. In the election of Abu Bakr the custom and traditions inherited from antiquity were followed as in pre-Islamic days, too, the oldest member of the best and the noblest family was chosen as the chief of the tribe.

3. Ibn Hisham II / p 370.

"THE NATURE OF THE STATE"

The state was theocentric. God was its sole and unrestrained ruler. Taxes were imposed, justice administered and administration carried on in His name. The head of the state was simply the commander of the faithful and was to execute His laws.

It was a republic in the sense that all its affairs were conducted in consultation with the advisory body or the majlis-i-Shoora which consisted of the distinguished companions of the Prophet. But the advice of this body was not always binding on the head of the state. At times he acted contrary to its advice.¹

But the state had one particularity - its executive head or the Khalifa was elected for life.

Abu Bakr's inaugural address fully illustrated the nature of the state and the position of its head - the Khalifa. According to it, he was an elected chief of the community. He was not merely its representative but also responsible to it for all his acts. Every one was entitled to receive justice at his hands. He was to be deposed if he went against the commands of God and the Prophet. He was to treat all the citizens alike and promote a common

1. E.g. Abu Bakr did not accept the advice of the Companions of the Prophet of coming to terms with those Arab tribes who refused to pay the Zakat but despatched an expedition against them - Tabari: pp 1873-4.

life of piety.¹

The Khalifa or the head of the state did not possess absolute powers. He enjoyed limited or restricted powers. This has been fully illustrated by Umar in one of his addresses to the people. "I have that much right over your property as a guardian has over the property of his orphaned ward. I have several duties towards you and you are to take me to task in case I neglect them. I am not to collect the Kharaj and the Ghanimah in an improper way I am not to waste or squander it. I have to protect your frontiers.²

Even the most ordinary person could publicly criticise and openly question the conduct of the state officials including the Khalifa.³ Thus full civil liberty one of the requisites of a democratic state prevailed.

The state was totalitarian in the respect that nothing was outside its purview. The moral and religious conditions of the citizens were its main concern.⁴ In it

1. Tabari Ipp 1845-6

2. Abu Yusuf p 67

3. E.g. Once a man stood up from the congregation and said, "O Umar fear God," some one tried to silence him but Umar asked him not to do so - Abu Yusuf p 7; Once a person stood up from the congregation and strongly objected to the action of Uthman in appointing his kith and kin on high posts.

4. Umar dined with the slaves and men of low origin with a view to infuse Muslims with feelings of fraternity. Once Ubaiy ibn Kab came out of his house. A number of persons followed him out of the feelings of respect and veneration for him. Umar whipped him and said that this was not in consonance with the spirit of Islam as it showed that there were some who were low and there were some who were high in the Islamic society - Darimi p 71. Effective steps were taken to suppress romantic and lyrical poetry which incited the sexual instincts of men.

the executive authority was instituted through a contract or bai'at which was unbreakable.

"THE EXECUTIVE"

The executive authority was vested in the Khalifa who exercised it in consultation with the majlis-i-Shoorah.

His nomination to the Khilafat was confirmed by the general community. Thus he was the elective head of the state.

"POWERS AND DUTIES OF THE KHALIFA"

The Khalifa did not possess arbitrary or absolute powers. He was simply the vicegerent or the Khalifa of the Prophet and possessed no special privileges or prerogatives.¹ He was merely the representative and agent. He was charged with the duty of maintaining law and order, punishing the wrongdoer and protecting the frontiers.² He was to collect the taxes but he could not take more than was authorised. He was to wage war in the path of Allah and propagate Islam. He was the guardian of the property of the state. He was entitled to take only that much as sufficed his needs. He was responsible to the people for his actions and was to be deposed if he contravened the sacred law.

1. Ibn Sa'd III/I p 129

2. Abu Bakr adopted strong measures against the dacoits and robbers who way laid the caravans- Syed 'T. K' p 96.

He appointed governors, commanders, the collectors, the Shahibul Ahdath or the officer-in-charge of the Police, the Shahib-i-Baitul Mal or the Finance Minister, the Qadhis or the judges and the Katib-i-Diwan.¹ But all these appointments were confirmed by the Majlis-i-Sha'rah.²

He exercised strict vigilance over them. Nothing escaped his notice. At the time of their appointment of their duties were explained to them. They were not to do anything against the Quran.³ They were taken to task if they violated these instructions.⁴ He dismissed and removed them on grave charges. E.g. Sad Ibn Abi Waqqas was removed from the governorship of Kufah on the charge of unfair distribution of the booty.⁵

He was the supreme head of the forces of Islam. He appointed the commanders, dismissed them, declared wars, issued the marching orders, raised ^{Levies} conscription, concluded treaties of alliances, directed the operation

1. Tabari p 2641.
2. Kung III p 134;
3. I. Q. p 227-8

4. Khalid ibn Walid was sternly rebuked for having married the daughter of Maja a Hanafi who had treacherously purchased the safety of his tribe and not punishing him - Yaqubi II pp 148-9.

5. Tabari p 2606-8

of war and distributed the booty.¹ Abu Bakr and 'Ali themselves led expeditions.²

He was the supreme court of appeal. At the time of Hajj, 'Umar held its general and all-state Session and heard the appeals against the decisions of the Qadhis.³ Public morals had a large share of his attention. He punished those who contravened the sacred law.⁴

"THE INSTITUTION OF MAJLIS-SHOORA"

The Islamic state in the days of the Khilafat-i-Rashida was intensely democratic. Its affairs were conducted in consultation with the Majlis -i- Shoorah consisting of the companions of the Prophet noted for their understanding of political problems and administration and wise counsel.

In the time of Abu Bakr, no permanent or standing body of counsellors or the Majlis-i-Shoora existed. The distinguished companions of the Prophet like 'Umar, 'Uthman,

1. Fh B. I pp 115, 116, 2240, 147; 235; Tabari pp 1887, 1863, 2223, 2229, 2230, 2402; Yaqubi II p 47; Azdi p 131; Abu Yusuf p 21; Maqrizi I p 267;

2. Tabari pp 3093, 3106, 3139, 3140; Dinawari p.167

3. Tabari 2680; Abu Yusuf p 66

4. E.g. His son Abu Shamah was whipped on the charge of drinking - Z.

Ali, Abdur Rahman ibn Auf, Zubair, Talhah, Miaz ibn Jabal, Zaid ibn Thabit and Ubaiy ibn Kab were consulted on each and every matter. But the advice of these counsellors was not always binding on the Khalifa. At times, he acted contrary to the advice of the counsellors¹ if he felt that it was detrimental to the interest of Muslims.

In the time of Umar, a permanent body of the counsellor known as the Majilis-i-Shoora existed. It met in regular sessions. Eminent companions of the Prophet or the statemen of the day viz Uthman, Ali, Abdur Rahman ibn Auf, Zubair, Talhah, Miaz ibn Jabal, Ubaiy ibn Kab and Zaid ibn Thabit were its members.² It met to consider and dispose of various political and administrative matters.³ All governors or walis, commanders and high dignities of the state were appointed with its approval.

Usually he accepted the advice of this body and thus to a large extent, the Khalifa-in-Majlis-i-Shoora carried on the administration. Its members were selected by the Khalifa on account of their piety, knowledge of the

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1. E.g. Abu Bakr rejected the advice of the companions of the Prophet of coming to terms with those tribes who refused to pay the Zakat - Tabari pp 1873-4.
 2. Kuna III p 134
 3. The question of the conquered lands was decided after consulting the majlis-i-Shoora - Abu Yusuf pp 14-5

Quran, understanding of political affairs, administrative capacity and wise counsels.

The council worked on the principle of division of labour. Thus during the reign of Abu Bakr, the administration of justice was in the hands of Umar. The work of correspondence with foreign states was entrusted to Ali.

No controversial matter was decided without consulting the council.

In the time of Uthman, the principle of consultation or shoora was continued but the Majlis-i-Shoora was substituted by the council of provincial walis or governors. Sometimes its sessions were held regularly.¹ At times the written opinions of its members were invited. In addition to this body, three distinguished companions of the Prophet like Ali, Zubair and Talhah were consulted.²

A larger consultative body known as the Majlis-i-Am also existed in the time of Umar. It consisted of the distinguished Ansar, Muhajirin and other ribal chiefs. It disposed of matters of vital importance.³

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1. In the year 34 A.H. its regular sessions were held to consider the political situation of the realm - Ibn Athir III p 117
 2. Fh B. I p 223; Yaqubi II p 189
 3. Fh B. p 276.

The majlis-i- Shoora presented the features of a cabinet in this respect that some of the departments or port-folios of government were held by its members while the majlis-i-Am resembled the popular legislative body as it was a larger body and decided matters vitally affecting the state.

So much stress was laid on the Shoora or consultation that Umar used to say that there was no Khilafat without consultation¹

Modern Parliaments including the British Parliament are far from being truly democratic bodies. High financial qualifications very often are the prerequisite conditions for seeking election to these bodies. But the Shoora was not governed by any such qualifications. The only qualification required was that the member must be a Muslim, must be able to understand the problems of administration and possess irreproachable moral character. No group or clique of persons could dominate it. It was free from all the complex and complicated machinery of modern parliamentarianism.

1. Kunz III p 139.

"LEGISLATION"

The Khalifa had no law making powers. The Quran was the primary source of all fundamental laws. Any seeming obscurity was made good by the Hadith i.e. the records of the Prophet's sayings and doings. Failing them and where there remained still some uncertainty or some need of a new application of the revealed law, the Khalifa interpreted and expanded the law in consultation with the other companions of the Prophet who were noted for their knowledge of the law. A number of regulations and bye-laws were thus laid down after interpreting it.¹ Next to the Quran and the precedents of the Prophet these constitute the source of Muslim law.

The foundations of ijma or consensus of opinion of the companions of the Prophet noted for their knowledge

1. E.g. after the conquest of Syria and Iraq, the question arose to whom would the territories of these occupied countries belong. 'Umar's view was that these lands should belong to the entire Muslim community. He based his views on the Quranic verse and ultimately his views prevailed - Abu Yusuf pp 14-5 Similarly he held the opinion that the Banu Hashim were not entitled to get any share from the Khums and Fadak did not belong to Fatimah or Ali and quoted Quranic verses in support of his contention- Abu Yusuf p 11;

'Uthman laid down the principle that in the absence of any relative of the slain, the head of the Islamic state was the guardian or wali of the accused - Fh B. I p 223; Yaqubi II p 189.

of the sacred law. On all controversial issues they were consulted and their unanimous verdict was obtained.¹ Its credit goes to Umar. The Khalifa was not endowed with any special privilege or prerogative in the matter of interpreting the law.²

Legislation was thus restricted. The fundamental laws could not be amended or revised. No one could overstep them.³ The bye-laws were ^{to be} ~~when~~ in consonance with them. Then again where the law was explicit and clear, the Khalifas carried it out as it stood.⁴

The enactment of bye-laws was not entrusted to legislature ruled by a handful of politicians. It was entrusted to jurists who possessed a deep knowledge of the Shariat and were of high moral qualities, prudence, impartiality and knew the mind, soul and temperament of the people intimately for this sort of legislation was essentially a social function in which the political factor was not predominant. ^{vote} Ijma or consensus of opinion of the jurists was a democratic constitutional check upon ijtihad. After the attainment of Ijma on a point, further controversy on that

1. Waliullah H.B. p 105; Fn Q III p 247

2. Ibn Sad III/I p 26

3. The Quran 4: 64; 10:15.

4. E.g. Abu Bakr refused to exempt any body from payment of the Zakat although he was advised to do so by a number of companions of the Prophet in order to meet the demands of the recalcitrant Syuti p 68; Tabari pp 1873-4.

point was barred. During the reign of Abu Bakr a separate department of Ifta was instituted. It carried on investigations into the different problems, answered the public queries, interpreted and explained the Islamic law. 'Umar, 'Ali, 'Uthman, 'Abdur Rahm^{an} ibn 'Auf, Mu'az ibn Jabal, Ubaiy ibn Kab and Zaid ibn Thabit ~~who~~ were all eminent jurists were entrusted with this task¹. This department did much for the development and advancement of Islamic jurisprudence.

'Umar is the real founder of Fiqah or the Islamic jurisprudence.² All the founders of its various schools excepting 'Ali - 'Abdullah ibn 'Abbas, Zaid ibn Thabit, 'Abdullah ibn Mas'ud, Abu Musa Ash'ari, Abu Durada and Mu'az ibn Jabal had learnt a lot from him especially 'Abdullah ibn 'Abbas, his own son 'Abdullah and 'Abdullah ibn Mas'ud³.

He sent instructions to his provincial governors regarding jurisprudence as well as Abu Musa, for instance, received such instructions through his ('Umar (s) firmans.⁴

'Umar's interpretations and regulation can be covered in volumes.⁵

1. Ibn Sa'd II/II p 104

2. Al Faruq II p 184; Izala'I p 319; Bu

3. 'Abdullah ibn Mas'ud used to say that he preferred a months company with 'Umar to the prayers of full one year - Izalah I p 319.

4. Izala'II pp 81,88

5. Izala'II p 84; Al Faruq II p 184.

"THE JUDICIAL SYSTEM"

The work of dispensing justice was entrusted to the Qadhis. The chief Qadhi or the head of the Judicial department was directly appointed by the Khalifa and was quite independent of the wali is the executive head of the province. Egypt was the only province where the government was authorized to appoint a chief Qadhi for his province.¹ Thus the principle of separation of powers was acted upon.² The chief Qadhis appointed subordinate Qadhis in the provinces under them. Free Muslims of a pure character noted for their knowledge of law, piety, intelligence and ijtihad were appointed to this post.³

The principle that party and judge could not be in one and the same person not even the Khalifa was followed. When-ever the Khalifa had any suit to file or one was filed

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1. Ibn Qaiyyum I pp 30, 73-4
 2. At present vigorous attempts are going in India to effect a complete separation between the judiciary and the executive but upto now such efforts have not been fully successful. Yet as early as in the 7th century this system had been brought into vogue in the laws of Islam.
 3. E.g. Zaid ibn Thabit was the Qadhi of Madinah while Abdullah ibn Masud and ^{Shuraib} ~~Shuraib~~ were the Qadhis of Kufa. All these persons possessed these qualifications.

against him in his private capacity, the judge of the local court heard his case and he attended the court at his summons.¹ The maxim that the head of the state is above law and can do no wrong or that he is not amenable to the jurisdiction of ordinary courts did not find any place in the machinery of the Islamic state in the of the Khilafat-i-Rashida. The Qadhi used to entertain suits, settle disputed questions and see that these decrees were carried out in executions.

Umar issued instructions to the Qadhis of different provinces from time to time which contained the basis of fundamental principles of the judicial system of Islam. These principles were as follows:-

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1. Ibn Sad I/II p 97; Mabsoot XVI pp 73,74,122; Abu Yusuf p 6
 2. This is in contrast with the modern cases to the two. The British king, for instance, is not answerable to any court of law and cannot be arrested on charges of treason or other high crimes. The President of U.S.A. can be impeached on charges of treason or other high crimes only ~~on~~ when a resolution of ~~had~~ been passed by the house the Representatives and the Senate can try his case. A two-thirds vote of its members present is necessary for his conviction. But so far only one President - Johnson has been impeached in 1868. He was, however, acquitted.

Qadhat or administration of justice was divine ordinance and a practice of the Prophet which ought to be followed.

If a suit was filed before the judge, he was to decide it after careful consideration and execute if for even the most rightful judgment without execution was useless.

Both the parties should be treated equally so that the poor might not despair of the justice of the Qadhi and the ^{tyrant} might not long for his partiality.

The burden of proof lay upon the claimant and the defendant could deny the claim on oath.

The parties might compromise but the condition of their compromise should not violate or controvert the religious commands.

Review of judgment was not disallowed ^{even} in clear cases, since a revocation was always better than persistence in injustice.

In the absence of law and precedent (the Quran and Sunnah) on some question, the Qadhi was to decide according to his interpretations or ijtihad, after due consideration

of everything such judgment should be pronounced as was nearer to right.

The evidence of every Muslim was admissible except of those who had received corporal punishment for immorality or were notorious for false evidence. One could not give evidence for his kith and kin.

A claimant must be given time to procure evidence. If he was thereafter unable to prove his case, his claim was to be dismissed.

The judge was not to behave in a haughty manner nor evince displeasure on the utterances of truth.¹

On these principles the judicial system of Umar worked and these are the basic principle of modern judiciary as well. It continued to exist in the time of Uthman and Ali as well.

Umar was the first Khalifa to appoint permanent Qadhis or judges with fixed salaries in the capital and other provincial headquarters for the administration of justice.²

1. Kunz III p 174; p 512.

2. E.g. Abu Dardah was appointed as the Qadhi of Madinah while Shuraih and Abu Musah were the Qadhis of Kufah and Basrah respectively. The governor of Egypt was authorized to appoint the chief Qadhi for his Province. Ibn Qayyum I pp 30, 73-4.

They were richly paid so that they might not take bribes¹.

All were equal before the law including the non-Muslims². If a Muslim murdered a non-Muslim citizen, he was put to death².

Non-Muslims enjoyed juridicial autonomy. They had their separate courts with their coreligionists as their judges. Their cases were adjudicated in accordance with their personal laws³.

The Khalifa was the supreme court of appeals. 'Umar held its general and all ^{state} empire session at the time of Hajj⁴.

'Ali investigated into the authenticity of the witness by recording the evidence of the witness one by one⁵.

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1. Salman ibn Rabi'ya and Qadhi Shuraih² were given 500 dirhams - Mabsoot XVI. p 122.
 2. E.g. Once a member of the tribe of Bakr ibn Wail Killed a Christian of Hira. No partiality was shown to the murderer who was a Muslim. He was handed over to the relations of the murdered and was killed.
 3. Hameedullah Muslim conduct of state p 131.
 4. Tabari p 2680.
 5. Ibn Qayyim p 60.

The Islamic society of those days was free from professional lawyers, advocates and pleaders for more emphasis was laid on natural rights than legal rights. People were so much law-abiding in nature that during the reign of Abu Bakr not a single suit was filed in Umar's ^{i.e.} the supreme judge's court for full one year.

"THE PROVINCIAL ADMINISTRATION"

The Islamic dominions were divided into a number of provinces¹ which were placed under the charge of a wali or governor who was appointed by the Khalifa. During the reign of Umar these appointments were subject to the approval

1. In the time of Abu Bakr the Provinces were as follows:-

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|-------------|--------------------------|
| 1. Madinah, | 7. Naxjran, |
| 2. Maccā, | 8. Jarsh, |
| 3. Taif, | 9. Hadhramawt, |
| 4. Zabid, | 10. Khaulān, |
| 5. Sana, | 11. Bahrain, |
| 6. Jund, | 12. Dumat-ul-Jandal, and |
13. Syria consisting of the newly acquired districts of Damascus, Hims, Urdun and Falastin- Each of the Syrian districts was under the officer commanding of the troops but Syria as a whole stood under the control and supervision of the Commander-in-Chief - Tabari p 2136. Most of the walis of the prophet's time - E.g. Utab ibn As'eed, Uthman ibn 'As, Muhajir ibn Umayyah, Ziyad ibn Lab'eed, 'Ala Hadhrami who served as governors of Mecca, Taif, Tema, Hadhramawt and Bahrain respectively under the Prophet continued to remain in their office in the reign of Abu Bakr as well - Tabari p 2083.

Under Umar the Islamic territories were divided into the Provinces of Mecca, Madinah, Sana, Bahrain, Oman, Jund, Hims, Syria, Falasteen, Egypt, Kufah, Basrah, Jazirah, Khurasan, and Azarbaijan and Faras - Yaqubi II p 181. Uthman converted the newly conquered territories, Tripoli, Cyprus, Armenia and Tabaristan into new provinces and regrouped the provinces of Damascus, Urdun and Falasteen under one Governor - Mas'udī - Masudi IV p 284.

of the Majlis-i-Shoora¹ Some times the inhabitants of a particular province were given the right of choosing their wali².

Competent, honest and pious persons noted for their knowledge of the Quran and the Hadith and administrative capacity were appointed to this high post.

At the time of their appointment, their duties and responsibilities were enumerated by the Khalifa. Besides carrying on the administration and dispensing justice they were also to impart the knowledge of the faith to the people under them. They were not to neglect their duties but to protect the Khālifāt and not to show favouritism to their kith and kin. They were to maintain peace and order in the provinces.

The Khalifa was the controlling agency and ^{nothing} escaped his notice. He exercised strict vigilance over the conduct of these officials and severely punished those who neglected their duties or abused their powers⁴. They

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1. Isteab - The consent of the American Senate is necessary for high appointments by the President except for the power of appointing inferior officers.
 2. Uthman ibn Farzad and Ma'm ibn Yazid were appointed in this way - Abu Yusuf p 61-5.
 3. Tabari p 2083
 4. Kattani II p 237; Yaqubi II pp 148-9.

were also removed from sacred law or squandered the public money.¹

'Umar kept himself fully informed of their activities through his spies who had been posted in all the towns of the realm. He did not allow them to amass wealth or indulge in luxuries or become autocrats. If they amassed wealth or gave him any chance of suspicion, their property was confiscated and deposited in the Baitul Mal.²

They were deposed if they violated the instructions of Khalifa.³

With a view to give every one a chance to bring to his notice the complaints which he had against any wali 'Umar and 'Uthman after hearing these complaints at the time of Hajj and after full investigations into the charges, the popular grievances were redressed.⁴ 'Umar had appointed Muhammad ibn Muslimah to investigate into the reports and complaints which

1. E.g. Walid ibn 'Aqabah was removed from the governorship of Kufah on the charge of drinking. 'Sad ibn Abi Waqqas was dismissed for he not pay the loan which he had taken from the treasury - Tabari p 2811.

2. Fh B pp 219, 266, 392.

3. E.g. 'Sad ibn Abi Waqqas, 'Iyadh, Abu Musa were removed from the governor-ship of Kufah, Egypt and Basrah during the reign of 'Umar - Abu Yusuf p 66

4. Tabari p 2680, 2944; Abu Yusuf p 66

were filed against the provincial governors.

They were often summoned to Madinah and had to explain their conduct.¹

During the reign of 'Uthman enquiry commission were sent to Basrah, Kufah, Syria and Egypt to enquire into the conduct of the Walis.²

In the time of 'Uthman they were also removed from their offices on the representation of the people.³ Thus a sort of 'recall' existed in those days.

Besides the governor or the head of the provincial executive, the Katib or the Secretary of the Provincial Secretariat, the Katib-i-diwan or the officer-in-charge of the military, the Sahibul Kharaj or the collector, the Sahibul Ahdath or the in-charge of the Police, the Sahib-ul-Baitul Mal and the Qadhi were also appointed by the Khalifa.⁴

The principles of the separation of power and division of labour were acted upon during the reigns of

1. Tabari p 2680; Abu Yusuf p 66;

2. Tabari p 2943.

3. E.g. Abu Musa was removed from the governorship of Basrah. Ibn Athir III p 37.

4. Tabari p 2647.

Umar and Uthman. The judiciary, for instance, was independent of the executive. However, in Egypt, Umar entrusted the appointment of the chief qadhi to the Wali¹. The functions of the one functionary did not overlap and no one complained of the interference on the part of the other.

The Military Department was taken away from the wali and put under the charge of the Provincial Commander in the days of Uthman.²

The Provinces were sub divided into divisions which were further sub divided into districts. Falasteen for example, was divided into two divisions of Ailah and Ramlah.³ Egypt was divided into upper Egypt or Said and the lower Egypt. It was further sub divided into 28 districts. The lower Egypt consisted of 15 districts.⁴ The internal

1. Ibn Qaiyyum I pp 30, 73-4.

2. E.g. Amr ibn As was the head of the Revenue Department of Egypt while Abdullah ibn Sarah was incharge of the Military. Yali Manih was appointed as the amil of San'a and Abdullah ibn Rabi'a was the head of the military department. In the

Province of Kufah the Political administration was separated from the Revenue Department as also from the war office.

3. Tabari pp 2403, 2407;

4. Ibid pp 19-20;

administration and division of Khurasan, Faras and Azarbaijan was left intact.¹ Amils, treasury officers and Qadhis were appointed in each district which was under the Wali² or the provincial governor.

Under Uthman, Mu'awiyah—the wali of Syria appointed the lieutenant governors of Hims, Ummayyiyah, Urdun, Falasteen and the sea-coast.³

The governors and other officials received salaries from the Public Treasury. They were further given shares in the Ghanimah.⁴

The governors possessed the right of interpreting the law and much was left to their discretion.

"THE FINANCIAL SYSTEM"

Zakat, Kharaj, Jizyah, Ushr and Ghanimah consisted the main sources of income. At the discretion of the Khalifa these were spent on war, works of Public utility, salaries of officials, allowances and annuities, gifts to the poor and the

¹ Tabari II
1. Ibid pp 19-20;

2. Ibid p 21

3. Masudi IV p 284;

4. Izalat-ul-Khifa II p 71; Tabari I p 2577;

items stipulated in the Quran. Pasture lands for horses and camels were purchased out of the Public Revenue.

The Public Revenue was not at the disposal of the Khalifa. It was spent only for the good of the people. No money was stored up in the private treasury of the Khalifa. Taxes were realised from the rich in order that they might be distributed among the poor.

Abu Bakr founded the Baitul Mal or the state Treasury and Abu Ubaidah before being appointed as one of the commanders on the Syrian front was incharge of the Bait-ul- Mal.¹ After his appointment as the Commander another person was appointed to keep the accounts of the Treasury.²

Abu Bakr continued the practice of the Prophet of not keeping any amount of money derived through the various items in the public treasury but distributing it among the Muslim, defraying the expenses of administration such as the salaries of 'amils and walis and spending a part of on the general needs of the Community and on other items

1. Tabari I 2136

2. Ibn 'ad II/I p 151; Ya'qubi II pp 151,154.

stipulated in the w^uran. At the time of his death only one dirh^{ma} was found in the Bait-ul-Mal although not less than two Lakhs of dinars were sent to it¹

He distributed the booty equally among the Muslims. In the first year of his Khilafat, 10 dirhams were given to every Muslim of Madinah without any distinction. In the second year, each of them got 20 dirhams. In this distribution, he did not take into consideration the status, position and means of the recipients. To him all were equally entitled to means of livelihood²

After the Prophet's death, Abu Bakr did not pay the share of the relations of the Prophet from the one-fifth of the booty. He held that his relatives were not entitled to it by virtue of their relationship to the Prophet. He treated it as lapsed and spent it on the military equipment of the Army as was done by the Prophet³

After the conquest of Iraq, Umar consulted the Majlis-i-Shura and decided that the land belonged to the State. He appointed Uthman ibn Hanif and Hazaifah ibn Ali yaman to undertake a survey of the land and measurement.

1. Ibn Sad II/I p 151

2. Ibid; Ya'qubi II pp 151, 154.

3. Abu Yusuf p 120.

The nature of the soil and the annual yield were taken into consideration before assessing the land tax.¹ The Persian revenue laws were adopted in-to. The land tax was assessed on the basis of rates in Iraq mentioned in the foot note.² The Arab tribe of Banu Taghlib who professed Christianity and carried on agriculture in Mesopotamia were required to pay double the amount of the Zakat.³

In Syria, different rates were imposed which were not flat but depended on the bearing capacities of each kind of land and method by which it was irrigated. The lands which required artificial irrigation were not to pay the same amount of Kharaj as lands watered by streams or rains.⁴

1. Ya'qubi II p 174

2. Corn	Rate			
a/ Wheat	2 Dirhams	Per	Jarib	At some places where
b/ Barley	1	"	"	the soil was more fertile,
c/ Sugar-cane	6	"	"	it was fixed at the rate
d/ Cotton	5	"	"	of 4 dirhams per Jarib for
e/ Vines	10	"	"	wheat and 2 dirhams for
f/ Date Palms	10	"	"	Barley.
g/ Vegetables	10	"	"	On waste arable lands it was fixed at the rate of 1 dirham for 2 Jaribs.

-Abu Yusuf p 21.

3. Ibn Athir II p 410

4. Mawardi p 77, 298.

In Egypt the old land system was allowed to continue. The harsh and oppressive methods were abolished. Persons who had worked on this department under the Byzantine regime were re-instated in their jobs.¹

Forests, fiefs belonging to the members of the ex-royal family (of Persian) and heirless pieces of lands were brought under the ownership of the state and their income was spent on the general welfare.

The Muslim soldiers were prohibited from cultivating the land.²

Ushr or the one-tenth was charged from those peasants who had embraced Islam.³

⁴ Umar levied the Zakat on the horses which were meant for trade.

Another new source of income was the Ushr^{or} or the custom duty on the foreign goods at the rate of 10%. The Zimmis had to pay it at the rate of 5% while the Muslims at 2½%. Goods less than 200 dirhams in value were exempted from

1. Al Faruq II p 38

2. Syuti H.M. I p 68;

3. Abu Yusuf pp 35-7.

4. Al Faruq II p 46; Syuti T.K.p.

from the duty.¹ The Jizyah or the capitulation tax constituted a big source of income. By special treaties very scrupulously observed conquered towns and districts were conceded special privileges. In levying this tax, the same principle was followed all over the conquered territories. In countries where the gold currency obtained such as Egypt and Syria, all grown-up men were to pay 4 dirhams a year. In countries where the silver currency prevailed such as Mesopotamia, Bahrain, Persia, the tax was assessed at 40 dirhams. There were three classes of the tax - the rich paid four, the middle class two, the poor only one dinar. Besides, the subject population had to supply provisions for the troops.²

The Khalifa^{Umar} appointed Abdullah ibn Arqam as the chancellor of the exchequer who kept registers and organised the Baitul Mal. Sub-Treasury offices or provincial Baitul Mals were also established.³

After spending the money on the stipends of the Muslims and other necessary expenditure of the Provinces

1. Al-Faruq II p 46-7.

2. In Syria and Egypt two moddl of wheat, three kist of oil and a certain quantity of honey and fat. The inhabitants of Iraq had to supply 15 Sa of wheat and a certain quantity of wheat- Maqriji I p 76.

3. Fh B. I pp 448-61.

the balance, if any, was transferred to the central Baitul Mal.¹ Thus the policy of financial decentralization prevailed.²

The items on which public money was spent and with which the public treasury dealt were comparatively few. The least drain on Baitul Mal was caused by the expenses of the Khalifa. The Khalifa drew the same amount of money as his salary as was drawn by the companions of the Prophet who had fought in the battle of Badr.³

Soldiers were fed and clothed out of the funds of the Baitul Mal.⁴

The parasites and the needy Muslims as well as non-Muslims were supported out of the funds of the Baitul Mal.⁵

All the revenues that flowed into the Baitul Mal were checked by the Diwan-ul-Kharaj. It prepared the revenue demands, checked the items of their expenditure and kept the general accounts of the exchequer.⁶ In the conquered Provinces

1. Kunz III p 163.

2. Tabari I p 2953.

3. Fh. B I p 435.

4. Al Faruq II pp 87,88

5. Abu Yusuf pp 72,85; Fh. B p 126.

6. Tabari I p 2465; This institution existed in the Persian empire and was borrowed from there.

of the Byzantine and the Persian empires, Egypt and Syria the accounts were kept by the native Christians in the Greek language and in Iraq by the Persians in the Persian language.

The stipends were increased by one hundred Dirhams by Uthman. People got their needs from the Baitul Mal in the month of Ramadhan in his reign.¹

"THE LAND SYSTEM"

When Iraq was conquered, the question of administering its territories arose. On reference to the Majlis-i-Sheora, Umar's view prevailed.² Thus, the principle was enunciated that only the moveable property and prisoners won as booty constituted the Ghanimah and belonged to the warriors. The land as well as all money received from the subjects on the other hand, constituted the fay and belonged to the state or Muslim community as a whole. It was the inalienable crown land for all times. Umar did not like the idea that Muslims should become land-lords or land owners. The cultivators of fay estates continued to be bound to pay the land-tax even if they adopted Islam. All were on equal

¹ Ibid p 2304.

² Abu Yusuf pp 14-5; Tabari p 2407.

footing in this respect. The land tax was imposed on different grades after the measurement of the land¹. The Khalifa also paid his attention to the arable land². The diwan or the department of land revenue was well organized in his regime. To him thus goes the credit of instituting a well-organised land system.

Uthman made a number of exceptions to the rule laid down by Umar viz the prohibition to hold landed property in conquered countries. Mu'awiyah, the Governor of Syria asked him for the grant of the crown lands in Syria as he had incurred in heavy expenses by maintaining the military staff and entertaining the Byzantine ambassadors. Uthman acceded to his request.³

He also let out lands belonging to the Persian kings and lands abandoned by the inhabitants in the sawad on lease.⁴ It is incorrect to say that he introduced the feudal system as the fiefs were not given away as private property but were simply let out on lease.

He sanctioned purchases of lands which Umar had annulled.

1. Ya'qubi II p 174; Abu Yusuf p 21

2. The heirless lands, the fiefs of the members of the ex-royal family of Persia and forests belonged to the state and were reserved for works of public utility.
- Abu Yusuf.

3. Ya'qubi II p. 191

4. Har'udi IV p 29

"THE MILITARY SYSTEM"

Like so many institutions of the Islamic state, 'Umar's name is associated with the organization of the army and the introduction of an elaborate military system. Abu Bakr introduced only a few changes in the military system of the Prophet.¹

In 15 A.H., a general census of the Muslims was undertaken by the order of 'Umar.² It was done with great care. Every Muslim tribe with its members was entered in a list and changes, due either to birth or death were very scrupulously noted.³ He then drew up a schedule by which

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1. E.g. He supplied arms and ammunition of war to the tribes. When-ever he sent expeditions, he sent detachments under a number of commanders. This was first done in Syrian campaign. He introduced the office of the Commander-in-chief. - M. B. I p 115;

This system of detachments proved very helpful for the Muslims in their wars against the regular armies of Byzantium. It put an end to anarchy which was the order of the day and fixed the position of every detachment. - M. B. I p 115; Syuti p 96.

He spent the shares of the Prophet and his relations on the military needs and purchased weapons and means of transport out of this amount of money - Abu Yusuf p 12.

~~He also inspected the contentments and tried to put down the clan spirit which would have proved disastrous to Islam - Ibn Sad.~~

2. Jahiz II p 37.

3. Abu Yusuf p 25; Maqrizi I p 92; M. B. I p 448; Tabari p 2411.

each member of the community received a fixed share or annuity. In drawing up this schedule he carefully adhered to the principle of the division of the entire people into tribes. He began with the family of the Prophet and made other tribes follow in succession according to their relationship or intimacy with the Prophet and the services rendered to Islam.¹

In assigning annuities, Umar made no distinction between the full-blooded Arab, the half-Arab and the client. He treated all Muslims alike. He ordered his commanders to treat the non-Arab Muslims and these clients on the same footing as Arab Muslims. There was to be no difference between them in the point of rights or duties either.

Every Muslim received salary according to the status he occupied. All the Muslims constituted the standing army of the state.

The soldiers were clothed and fed by the state

1. A general census of the inhabitants of the Byzantine empire was undertaken with a view to make the burden of the taxation heavier and to shut out every possible chance of escape from the clutches of the collectors of taxes. Umar, on the other hand, effected the census in a wholly different spirit. It was to assign to all who professed Islam their legitimate share in the state revenues.

Their salaries were distributed through 'Arifs of every tribe¹. Over every 10 soldiers there was an officer known as Umrul 'Ashar. The 'arif distributed the salaries through these officers.² Increments and awards were given on efficiency and gallantry.³

At the time of invasions, the question of season was also taken into consideration by him.⁴

Parades and military manouvers⁴⁰ were constantly held. Umar laid emphasis on horse-race, swimming, archery and other manly sports.⁵

The soldiers got leave after every four months of that they might not fall victims to sexual crimes on account of long periods of separation from their wives.⁶

They were further prohibited from indulging into luxuries and were instructed to lead a disciplined and vigorous life. They were prohibited from cultivating or

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1. The duty of this officer corresponded to that of Roman Decurion, who had the charge of supervising the men, maintaining discipline and reporting those shirked military services.
 2. Tabari I pp 2496, 2694, 2695; Abu Yusuf p 27.
 3. The salaries of the tribe of Zuhra, Asma & Zabby were increased to 2,500 dirhams as a reward for their gallantry - Syuti 'H.M.' I p 93.
 4. Tabari p 2486.
 5. Iqd' I p 49.
 6. H. M. p 93.

holding the land.¹ In the spring the armies were sent to health resorts. They halted on Fridays and took rest for one whole day and night during their marches.² Madinah, Kufah, Basrah, Musal, ^uFastat, Damascus, Hims, Ardan, and Falasteen known as the Jund were the main military centres and cantonments.³ The accountant, treasurer, translator, the Physicians the surgeons and the spies or messengers who watched and informed of the movements and whereabouts of the enemy were the main officers of the army. Often Zimmis were appointed as spies.⁴ ³

Siege engines and mangonels were used in the battle.⁵ ⁴

The army was divided into Muqaddamah or advanced columns, Qalb or the centres, Maimanah, maisarah, saqah, taliya or body of scouts, sapers and miners, infantry,

1. 'Iqd' I p 45.

2. Fh B. I p 132

3.

4. Fh B. I p 148; Azdi p 154; Tabari p 2475, 2208; Abu Yusuf p 148.

5. Tabari p 2152; Maqrizi I p 163;

cavalry, camel riders and archers.¹ He paid special attention to the breeding and maintenance of horses. They were branded. A separate pasture near Madinah had been reserved for them.² In the time of 'Uthman, the military department was separated from the executive and was placed in-charge of provincial commanders.³ This was done with a view to curtail the powers of the walis otherwise they would have become too strong. There was such an elaborate and efficient system of reinforcements that they could be despatched in a very short time. The conquest of Iraq, Persia, Africa etc and the successful suppression of the rising in Tripoli were all due to the timely and speedy despatch of reinforcements.

"NAVY"

To 'Uthman goes the credit of founding the Muslim Navy. It carried on annual raids against the Byzantines. The crews were raised by conscription in the same way as the soldiers. They received salaries and food allowances. 'Abdullah ibn Qais Harith was its admiral and the strength

1. Al Faruq II.

2. Kung VI p 331.

3. Ibn Khaldun IV.

of the fleet was 100.¹

"THE INSTITUTION OF IHTISHAB AND POLICING"

Although Abu Bakr was a mild and tender-hearted person, he took the government officials to severe task in case they abused their powers. Public morals had a large share of his attention. He himself performed the duties of the muhtasib and punished those who contravened the sacred law - although no separate department of police or ihtisab existed. 'Abdullah ibn Mas'ud was appointed as the patrol leader of Madinah.²

'Umar established a separate department of police for the maintenance of peace and order. The officer-in-charge of the department was known as the Sahib-ul-ahdath. He was also to perform the duties of a public censor. He had to inspect the markets to prevent frauds of all kinds and stop the public sale of wine.

"THE INSTITUTION OF INSHA OR CORRESPONDENCE"

This institution existed in the time of the Prophet. 'Uthman ibn 'Affan and Zaid ibn Thabit acted as his

1. Ibn Athir III p 323; Tabari p 2824.

2. Al Faruq II p 58.

secretaries of correspondence. They continued to hold this office in the time of Abu Bakr. They drafted instructions and firman to walis, amils, Commanders and the Khalifa affixed his seal to these documents.¹

"J A I L S"

Arabia did not know any elaborate system of Jails before Umar. A number of Jails were built at several places during his Khilafat and criminals were imprisoned in them.²

He also introduced the system of expulsion from one's district. Abu Mehjan Thaqfi was transported to an island on the charge of drinking wine.³

"B A I T - U L - M A L"

The Baitul Mal or the state treasury had been founded by Abu Bakr but no amount of money was deposited in it for all that was sent to the capital was distributed among the Muslims.⁴

1. Tabari I p 2135.

2. Maqrizi II p 178

3. Ist'ab II p 682 No: 2995.

4. Ibn Sad I/III p 151.

In 15 A.H. 'Umar felt the necessity of a permanent public treasury. On the approval of the Majlis-i-Shihra he opened a public treasury at Madinah.¹ Sub-treasuries were opened in other provincial head quarters and separate officers were appointed as incharge of these treasuries.² The amount of money which was deposited in the provincial treasuries was first spent on the needs of these places and then all that was left over sent to the central Bait-ul-Mal of Madinah.³ For the maintenance of the department of the Exchequer or Bait-ul-Mal and pensionary account, a number of registers were kept in the Bait-ul-Mal.⁴

"THE ERA OF HIJRAT"

Great inconvenience was felt in the absence of a particular calendar. In 16 A.H. 'Umar introduced the era of Hijrat.⁵ Now on every official document and state papers the year was given. It saved all concerned from a lot of inconvenience.

1. Ya'qubi II p 170.

2. Khalid ibn Harith was the treasury officer of Asfahan while Abdullah ibn Masud was the treasury officer of Kufa.

3. Kunz III P 163.

4. Ahmad I p 31; Al Faruq II p 61;

5. Maqrizi I p 284.

"THE PUBLIC WORKS"

In Umar's regime a large number of public buildings were built throughout the realm of Islam such as the quarters for the residence of government officials, roads, bridges, mosques, forts, cantonments, barracks, guest houses and Bait-ul-Mals or treasury houses. Inns, halting stations and tanks on the road running from Madinah to Mecca were also constructed.¹

State guest houses for the travellers, roads, bridges, mosques, inns and tanks on the high roads leading to the capital were constructed in the time of Uthman.²

A dam was constructed around Madinah. The Prophet's mosque was re-built and extended.³

"I R R I G A T I O N"

Considerable efforts were made for improving agriculture. A number of canals were dug. E.g. the

1. Fh B I pp 278, 347, 350, 355; Maqrizi II p 246; Sirat-ul-Umarain I p 461; Al Faruq II p 65.

2. Tabari I p 2842.

3. Ibid p 2843; H.M. I p 92; Ibn Athir III p 39; Yaqubi II p 191; Khulasat-ul-Wafa p 124.

Nahr-i-Abi Musa, Nahr-i-Sād ibn 'Amr bin Haram and Nahr-i-Amir-ul-Muminin which connected the river Nile with the Red Sea.¹

The proceeds of the Jizyah and Kharaj were expended on public works.

"THE INSTITUTION OF STIPENDS"

The immense and rapid growth of Islam, the conversion of almost all the inhabitants of Arabia and the pouring into the central treasury of the booty and the land revenue in an ever increasing volume necessitated the introduction of order and method in the distribution of money among the Muslims. In the second or third year of his Khilafat, 'Umar decided to regulate the distribution in fixed and systematic scale. He took counsel with the Majlis-i-Sheora. This body suggested that like the Byzantines who kept a register of paid soldiers, a census of the Muslim should be undertaken and each member of the community should be assigned a fixed share. He took into consideration the priority of conversion, affinity to the Prophet and military service.

1. M. B. pp 356-7, 365, 366, 383; Syuti H.M. I p 68, Tabari I p 2577.

He fixed the share in the form of an annual allowance or stipend. He maintained registers which contained its accounts and full details.¹

Umar's tackling of the whole problem and devising out the means by which Muslims divided amongst themselves their whole revenues, first on the principle of equal brotherhood, and next on martial merits and spiritual distinction was a speetable without parallel in the world. The decisively democratic and socialistic condition of Islam lay at its basis. This institution stands out as one of the most conspicuous land marks not merely in the Islamic but in history as a whole. In no other way would it have been possible to reconcile the ^{jealous} susceptibilities of tribal rivalry. The very same and identical interest linked the Muslims one to another.

"C O L O N I S A T I O N"

A large number of Arabs settled down in the newly conquered territories of Iraq, and established a number of colonies at Basrah, Kufah, ^{Fostat} Fostat, Misal and Jizah. Forts were built. Umar prohibited the Muslim colonists not to hold or cultivate lands outside the peninsula or enter into commercial transaction.² They were the backbone of Islam, the secret of its conquests and the stay of

1. Abu Yusuf. pp 24, 25; Maqrizi I p 92; Ih B.I p 446

2. Tahari p 2411; Yaqubi II p 175.
N.H. p 98.

the Khilafat. To keep ruling warrior caste preserve their racial purity, martial spirit and their distinctive qualities by keeping aloof from the subject races, this order was issued. Owing to his fore-sight the martial fire of the Arabs as a whole and undivided people was kept alive in full activity. He thus tried to build Arab Nationality.

They took their wives with them and the population of these colonies or settlements began to multiply.

"NON - MUSLIM CITIZENS"

All the non-Muslims were ^{treated} tried as citizens. They were to pay the Jizyah or the protection tax and enjoyed equal rights of life, property, honour and means of livelihood along with the Muslim citizens¹

They were not persecuted ^{to} tyrannized. They could and did bring to the notice of the Khalifa the oppression of the government officials and they were punished for it.

Their life, property, religion and honour were the special concern of the state. They were exempt from the military duties and had to pay the Jizyah in its lieu.

1. Abu Yusuf p 85.

But its rates were very moderate. Women, children, the old, the ⁱⁿordigent, the hermits and the parasites were exempt from its payment. It was charged at the rate of 48 dirhams annually for the well-to-do, 24 dirhams for the middle class and 12 dirhams for the poor.¹

"RELIGIOUS RIGHTS"

Religious autonomy was granted to them. They could freely worship and perform their religious rights. Their places of worship were not to be demolished. They were not to be forcibly converted. Their ecclesiastic organization was left intact.²

The walis were repeatedly instructed to faithfully observe the terms with them and not to oppress or persecute them.³

"RIGHT TO LIFE AND PROPERTY"

If any Muslim killed a Zimmi, he too was put to

1. Abu Yusuf p 86.

2. Vide the treaty with the Christians of Jerusalem and Jurjan - Tabari I p 2658.

3. Abu Yusuf p 82.

death.¹ Compensation² was paid if any damage was done to their property.

In the assessment of the land tax, the Zimmis were consulted and their paying capacity was taken into consideration.³ No harsh or violent method was resorted in its realisation. Full enquiries were made about it. Thus when the Kharaj of 'Iraq was received at Madinah, 10 Zimmis of that Province were called and they were asked to take an oath that no harsh method was adopted in its realization.⁴³

Jizyah was remitted if the Zimmis served in the Muslim army or performed some other military service.⁵ They It was refunded when the Muslims were unable to protect the lives and properties of the Zimmise.⁶

'Umar strictly prohibited his 'amils from resorting to oppressive and violent means in the realization of taxes.⁶ They were not to tax them beyond their capacity.

1. ~~Takhrir-jul-Hedayat~~

1. 2. Abu Yusuf p 68
2. 3. Ibid p 21.
3. 4. Abu Yusuf p 65.
4. 5. Tabari pp 2665, 2497
5. 6. Abu Ubaidah, for instance, returned the amount of Jizyah to the Zimmis of Hims at the battle of Yarmuk - Fa B. p 173; Abu Yusuf p 81.
6. Abu Yusuf p 85.

The needy and parasites among them were supported out of the funds of the Bait-ul-Mal.¹

"POLITICAL RIGHTS"

The non-Muslims, were given ^{posts} points in Government offices. In the revenue department, for instance, Christians and Persians were employed in Syria and Persia respectively. They also served as spies and informers.²

The Zimmis also enjoyed judicial autonomy. Their cases were adjudicated according to their scriptures. Each religious community was recognized as an autonomous unit and its spiritual leaders were accorded temporal and judicial powers.³

"OTHER RIGHTS"

There were no restrictions on their movements excepting that they could not settle in Arabia proper in deference to the will of the Prophet.⁴

The Khalifas had no intention whatever of assimilating or absorbing the subject races. Umar on the other

1. ^{Ibn Jannat} Ibid p 85.

2. Maqrizi p 163.

3. Karalevski in 'Dictionary a Historiet Geographic Ecclesiastiques' Antioch Col 594 quoted in Muslim conduct of state p 2313

4. Bu 58:6.

hand, aimed at drawing the line as clearly and sharply as possible between the Muslims and non-Muslims to keep the two separate.

Department
"THE INSTITUTION OF PUBLIC INSTRUCTION"

Umar made special and elaborate arrangements for the teaching of the Quran. A number of primary schools or Maktabs were opened, through out the dominion of Islam where the Quran was taught and the teachers were given salaries. A number of the companions of the Prophet were sent to teach the Quran to Syria and Palasteen.¹

The teachings of Quran was compulsory for the bedouins. Abu Sufyan was appointed to punish those who did not learn any portion of the Quran by heart.²

Stipends and scholarships were given to the students of the Quran.³ These companions of the Prophet who were noted for their knowledge of the Hadith were sent

1. Kunz I p 281

2. Aghani XVI p 58.

3. Kunz I p 217.

to the different parts of the Khilafat.¹

Jurists and teachers were appointed for the religious instruction of the Muslims and they were paid for it.²

The government officials especially the walis and the 'amils were to impart the knowledge of the Quran and fundamentals of Islam to the people.³

"THE INSTITUTION OF TABLIGH"

⁴ Umar took special pains for the propagation of Islam. But he was deadly against forcible conversion. Once one of his non-Muslim slave refused to embrace Islam despite of his strenuous efforts. He let him by saying that there was no compulsion in religion in Islam.⁴

The commanders were ordered to invite the people of the non-Muslim countries to Islam before the invasion.

The non-Muslims accepted Islam in thousands largely because of the high and lofty character of the Muslims.⁵

1. E.g. 'Abdullah ibn Mas'ud was sent to Kufah, Maqab ibn Yasar, 'Abdullah ibn Maqul and Imran ibn Haseen were sent to Basrah while Ubadah ibn Samat and Abu Darda were sent to Syria - Izala II p 6.

2. In Basrah, for instance, ten persons were appointed to perform this duty.

3. 'Umar used to say ' I have sent the officials with a to give instructions in the religion - Abu Yusuf p 67.

4. Kunz V p 49.

5. The conversion of Shata- a prominent chief of Egypt the Bishop of Damascus along with his followers and the royal Persian body guard - Maqrizi p 226, Mh B. I p 280.

"THE INSTITUTION OF ISTIKHLAF"

On his death bed, Abu Bakr nominated Umar to the Khilafat. Before doing so, he consulted the distinguished companions of the Prophet¹ who were the states-men of his regime. This nomination was to be confirmed by the whole community. The general election was thus effected without demur or hesitation. The polity was thus ^esacred from fresh assaults. Once again the principle of seniority decided the question as Umar was the eldest in age among the companions of the Prophet after Abu Bakr. From the election of these two Khalifas it follows how utterly different were the Arabs from other Asiatic nations, how energetically they strove to assert the right of the people to choose and elect their ruler and how completely foreign to them was the idea of hereditary kingship.

The general community took the oath of allegiance. Umar ascended the pulpit of the mosque and addressed the people.² His firm and impartial rule more than over falsified the traditional conception of the Arabs about family authority.

1. Ihs Sad I/III p 142.

2. "Al Inamat was Siyasat" I p 33.

Umar's election went to confirm the view that the basic names of the Islamic polity were allowed to take any form in the existing circumstances of any particular time as seemed best conducive to securing the agreement of the whole community. The principle was laid down if the ruling Khalifa felt that there was any one of such outstanding merit as to be marked out for succession, there was not any technical bar against his sparing the community the suspense that was bound to follow his (the ruling chief's) death.

Umar introduced the principle of nomination of electors in matter of succession. When he was stabbed by Abu Lulu, he nominated the six most deserving and distinguished companions of the Prophet as electors and limited the choice of his successor among this body. They were to select one of them as the Amir-ul-Muminin or the head of the Islamic state. The decision was to be taken by a majority of vote. In case of tie, his son Abdullah was to arbitrate and the other members had to agree to it otherwise Abdur Rahman was to have a casting vote. The dissenting members of the council were to be put to death in case the majority had made a choice.¹ Thus no division was tolerated.

1. ^{Ibn} Ibn Sad I/III p 245.

The rest of the community had to confirm the decision of the electors through the oath of allegiance. Umar thus elaborated the machinery for the choice of a successor. For the guidance of future generations it was laid down that the competent, virtuous, and influential statesmen who were given the name of "Ahlul-Hal-wal-Aqd" by the Muslim jurists were to make the choice and exercise their calm and considerate judgment. It was not to be left to a heated election campaign. As there were no sectional or any other sort of interests to be safeguarded in Islam, such a procedure was quite in consonance with the fabric of the Islamic polity. Umar scrupulously guarded against dividing the Muslim community into several factions each canvassing support for itself which was bound to follow if he had given the right to choose the Khalifa to the whole community. He took special care to exclude his son Abdullah from the electing body. He thus eliminated the hereditary principles.

These six electors were 'Abdur Rahman, 'Ali, 'Uthman, Talhah, Zubair and 'Sad.¹

1. Ibn 'Abd. I/III p 245;

The electors retired into an adjoining chamber and began to discuss the whole question. Talhah was absent. Umar had also ordered that the choice should not be delayed beyond the third day. Abdur Rahman took the most prominent part in the body of electors. He consulted the leading citizens. He fore-went his own claims if the rest accepted his decision and all agreed to it. Now only Uthman and Ali remained in the field. Abdur Rahman was closeted with each of the electors alone. He asked Ali if he promised to abide by the Quran, the example of the Prophet and the precedents of Abu Bakr and Umar. Ali replied that he would act according to the best of his knowledge and ability. The same question was put to Uthman and he answered unconditionally in the affirmative. Abdur Rahman swore allegiance to Uthman and it was followed by the general homage. After it Uthman ascended the pulpit and delivered his inaugural address¹.

In Uthman's election, too, the idea of seniority contributed much towards securing the submission of Ali. With his accession the Umayyads began to have an upper hand in the affairs of the state.

1. I.Q. 'Al Imamat-wa-Siyasat' p 42-3. 43-5

Complete chaos prevailed in Madinah consequent upon the murder of Uthman. The rebels had the upper hand in the city while the Medinites were simply in terror of them. The rebels were actually without a leader. The imposter like Abdullah ibn Saba had no aim other than destruction of Islam which now stood accomplished. He was shrewd enough to always confine himself to trading on the moral support of the companions of the Prophet. He with his followers and others had different predilection but some-how they agreed on Ali and along-with the other distinguished Medinites approached him with the offer of Khilafat. He was sworn as the Khalifa first by the rebels and then by a vast majority of the people of Madinah. When this was done, Ali took it for granted that this election was complete and did not care to wait either for endorsement by the elders or for its confirmation in other parts of the Islamic state - although he showed great concern about the attitude of Talhah, Zubair, Abdullah ibn Umar, Sad ibn Waqqas and few others.

He thought that the Baiat of the people of Madinah - the capital of the Islamic state alone in the changed circumstances of the time was binding on the whole of the empire. Any one who refused it was breaking

the solidarity of the Ummat. The exigencies of the situation demanded the immediate election of the new chief with a view to establish a reign of law and order hence it was not necessary to adopt that usual course which had been adapted previously.

The baiat by the common people of the capital alone raised the controversy whether the other competent and eminent elders had had any say in the choice of the Khalifah.¹ 'Ali's action shows that at a time when there is a reign of terror, the baiat of the people of the capital is quite sufficient.

'UTHTMAN'S ASSASSINATION' & ERA OF CIVIL WAR

The last six years of 'Uthman's reign were years of turmoil and confusion. The administrative machinery of the state set up by 'Umar continued to function. But the strong hand of 'Umar was no more. 'Uthman was a man of mild temperament. With the conquest of so many non-Arab territories, the non-Arab grew jealous of the Arabs.

Among the Arabs, too, the old tribal jealousies which had been kept in check by the strong hand of 'Umar

1. Dinawari p 166.

had begun to raise their head. 'Uthman tried his best to control the situation but as he was of a mild temperament and of advanced age he could not adopt effective and strong measures against mischief mongers who belonged to Persians and Jews and were at heart jealous of Islam. They conspired to push forward their evil designs of destroying the political power of Islam by breaking the solidarity of Muslims. Un-Islamic ideas and thoughts and feelings of non-Arab had begun to capture the imagination of the Muslims.

Most of the distinguished companions of the Prophet who were noted for piety, justice, truthfulness and honesty had died. Their successors did not possess these virtues and could not win the hearts of the non-Arabs.

The government officials of Abu Bakr and Umar rendered implicit obedience to the Khalifa. They considered it their religious duty. But the officials in the time of 'Uthman were not so pious and religious and they did not render implicit obedience to him. In order to get over this difficulty, 'Uthman appointed his own kith and kin the Umayyads to important posts. On account of the bond of blood, they were more faithful to him. But this aroused the ill-feeling of non-Umayyads especially the Hashimites who were their bitterest enemies.

In different parts of the Islamic state a number of political parties holding divergent views on the question of Khilafat shrang up. For the first time, political differences of the Muslims assumed the shape of organized rebellion and revolution. A new chapter of conflict was opened in the history of Islam. Uptil now, the Muslim political theories were derived exclusively from the Quran, the Hadith, the practices of the first two Khalifas and the Ijma or the consensus of opinion of the companions of the Prophet. But now theories which had nothing in common with the political theories of the orthodox Islam were exploded.

Kufah was one of the strong-holds of the revolutionaries led by Ushtar ankhai, Jundab, ¹Amir who were noted for their anti-Quraish feelings. According to them the Khilafat did not belong to the Quraish and every common Muslim was entitled to it.² They were expelled from Kufah and deported to Syria. But they continued their subversive activities.

1. Ibn Athir III p 55

2. Ibid p 53.

Basrah and Egypt were the other centres of revolutionary activities.¹ 'Abdullah ibn Saba was the chief leader of the revolutionary movement. He had his own views about the political system of Islam. He preached that the Khilafat belonged to 'Ali. He was the rightful and legitimate claimant for he was the wasi of the Prophet. Abu Bakr, 'Umar and 'Uthman had usurped the Khilafat. He was a sworn enemy of the Umayyads and was a skilful organiser. He posted his agents throughout the Islamic route instructed them to incite the popular feeling against 'Uthman and his walis. He was intelligent enough to exploit Abu Zar's ^{name} - a distinguished companion of the Prophet noted for his piety and ^{asceticism} ^{as opposed to his} ~~asceticism~~ ^{assertion} revolutionary activities.²

The rebels of Kufah forcibly prevented Saeed - their governor from entry into the city. The rebels wanted Abu Musa as their governor. In deference to their wishes, 'Uthman appointed him to that post and peace was restored.³ But this appointment did not stop their subversive activities. They began to insult and abuse the

1. Ibn Athir III pp 55, 53

2. Tabari p 2942

3. Ibn Athir III p 53.

Khalifa and his walis. ⁶ Uthman announced that he would give a public hearing to the grievances and complaints *again* of different provinces were summoned. But no one complained against them.¹

In the next year, 1,000 Egyptian rebels who championed the cause of Ali arrived in Madinah and offered their oath of allegiance to him (Ali). But he refused to have any thing to do with them. The rebels of Kufah and Basrah also approached Zubair and Talhah for the same purpose. They too refused. The rebels, then besieged Uthman's house. Uthman promised to redress their grievances in consultation with the other companions of the Prophet. But the rebels soon returned to Madinah on the pretext that Marwan-a relative of Uthman had sent a forged letter to the governor of Egypt, asking him to put to death these rebels. Uthman denied the knowledge of this letter. He was asked by the rebels to abdicate but he refused to comply with their wishes. Water and food provisions were not allowed to him and finally the rebels forcibly entered his house and assassinated him.² This coldblooded murder opened a new era of conflict in the

1. Tabari p 2944, 2945

2. Tabari p 2956, 2957, 2960, 2961, 2994, 2997, 3018;
Ibn Athir III p 66; Ibn Sad I/III pp 51, 52.

world of Islam.

Ali assumed the titles of a Khalifah and began to act in the manner of the head of a firmly established government after the baiat of the citizens of Madinah. But this conduct of Ali invited opposition. Talhah, Zubair, and other distinguished companions of the Prophet characterised this act as hasty, unstatesman like and improper. They thought that Ali had ignored them hence they did not accept him as their Khalifa. They held the view that the Khalifa should be elected by the 'Ahlul-Hal-wal-'Aqd' or the competent and eminent persons who were spread over the different parts of the Islamic dominions. The baiat of the common people of the capital alone was not sufficient.¹ ~~Most of Ali's time was spent in quelling the rising and fighting the rebel Muslims.~~

^{Ali} He ordered for the wholesale deposition of the Umayyid governors. He was so ^{disgusted} ~~disgusted~~ with the state of affairs under the previous regime that he considered it a sin to let the Umayyad governors continue in their offices even for a day. But this act was rather hasty.

1. I. Q. p 87.

It provoked against him a most formidable source of opposition.¹

Very soon a curious situation arose. A new era of political conflicts began. Both the parties in opposition - the Sahaba as well as the Umaiyyad raised the same cry for revenge for the blood of 'Uthman though for different reasons and with different motives. The Sahabah led by Talhah, Zubair and 'Aishah - the wife of the Prophet, too, were opposed to certain policies of 'Uthman and they exercised pressure on him to rectify them. To them the cold-blooded murder of the Khalifah was too heinous^a crime to be condoned or passed over. They therefore, raised the cry for revenge for 'Uthman's blood. They suspected that 'Ali might play into the hands of the guilty rebels who had taken a prominent part in raising him to the Khilafat. By rising against 'Uthman - the duly elected and rightful Khalifah and murdering him, the rebels had committed a grave sin and they deserved the severe^{sk} punishment according to the sacred law. 'Ali admitted quite explicitly that the guilt of those who participated in the murder of 'Uthman was proved and that they should be punished accordingly. He himself felt aggrieved by the murder of 'Uthman

1. Ibn Athir III p 77; Dinawari p 151; Tabari I pp 3083-4

and strongly condemned this heinous crime. But he had to put off the execution of the punishment for he had not ~~the~~ sufficient strength to do so. The rebels in order to escape punishment had all joined his camp in large numbers. They would have risen against him had he punished them. There would have been blood-shed which 'Ali wanted to avoid. He was afraid lest by turning against them at that juncture he might lose the main stay of his support without the compensation of the support of other elements which was yet by no ^{means} ~~means~~ assured. The rebels knew it fully well and for this purpose they showed him in their own interest with the set purpose of never letting him become independent of their support. 'Ali took special care to see that none of ^{the} rebels rose to any position of command in his army. But this plea did not ~~go~~ ^{convince} ~~home~~ to 'Aishah, Talhah, Zubair and their party. They had ^{mis} ~~giving~~ that as 'Ali had ^{assumed} ~~ascended~~ the Khilafat at the initiative and on the major support of the rebels he might show unlawful leniency to the rebels in the administration of the laws of Allah¹. Thus so far as this party was concerned the demand for revenge for the blood of 'Uthman was nothing but a test of the bonafide of 'Ali.

1. Tabari Ipp 3097-9; 3116, 3119; Ibn Athir III p 83.

'Aisha, Talhah and Zubair marched at the head of any army to Basrah. 'Ali also came out with his army.¹ The substance of the demand for the punishment of the rebels was agreed upon between the two parties and the difference was only on the point of time. There was little difficulty in arriving at a reasonable settlement. As soon as the rebels in 'Ali's camp got the wind that a compromise was in sight and it was bound to be at their expense, they launched a surprise attack in the morning twilight on the opposite camp in flagrant violation of the express orders of 'Ali not to leave their² camp.²

In vain ^{did} Ali endeavoured to hold back his men. The other party took it as a deliberate breach of faith on the part of 'Ali and forthwith started a battle on their side. It was the first occasion on which Muslims swords crossed swords with Muslim. This battle better known as the battle of ^{Yamm al-Jamal} camel, ~~Jang-e-Jamal~~ would never ~~have~~ taken place but for the sinister move of the rebels. 'Ali unfortunately possessed a hotch-potch army consisting of

1. Tabari I pp 3093, 3106, 3119, 3140; Ibn Athir p 83; Dinawari p 154.

2. Tabari I pp 3164, 3166, 3167, 3168, 3181, 3182.

heterogeneous elements with markedly divergent tendencies instead of a small but compact body of men all inspired by one faith and devoted to one cause.

Both Zubair and Talhah were slain and only 'Aishah¹ remained but her army gave way. 'Ali was triumphant.¹ The political party led by 'Aishah, Talhah and Zubair was broken up after this defeat. Some of them joined the ^{ay}Umayyad party others remained neutral and retired from the politics of the day while some joined 'Ali.

The other party was the ^{ay}Umayyad party. It raised the same cry for revenge for the murder of Uthman¹ much more ceremoniously for an entirely different reason and with an entirely different aim. This party was led by Mu'awiyah who was a near relative of Uthman¹. In the first place, the demand on the part of this party was not spontaneous as was that of the party led by 'Aishah, Talhah and Zubair who as soon as they heard the news of the murder of Uthman demanded that the rebels must be punished. Mu'awiyah on the other hand declared a reply to 'Ali's letter demanding submission from him for three months and during all this time he matured his plans. The punishment for the rebels was thus not an

1. Tabari I p 3217; Dinawari p 157, 158, 161; Ibn Athir III
~~Ibn Khaldun IV.~~

2. Tabari I p 3255; Dinawari p 170; ~~Ibn Khaldun IV.~~

end in itself. The old rivalry of the Umayyads with the Hashmites could not see the Khilafat passing to 'Ali - a Hashmite.

In the beginning, ^{Muawiyah} ~~Mawawiyah~~ simply was determined not to lose the governorship of Syria. Had 'Ali not issued the order of his dismissal from the governorship of Syria, he (^{Mu}awiyah) would not have contested the claims of 'Ali to the Khilafat. 'Ali's ill-timed order created such a situation ^{that} ~~Muawiyah~~ could not retain the governorship of Syria without capturing the Khilafat itself.

'Ali had rather hastily removed all governors appointed by 'Uthman. They all gathered round ^{Mu}awiyah. The Umayyad agents were no doubt an unhappy legacy of the past regime and it was the duty of the new Khalifa to liquidate them. But the task could very well have been postponed for a short while till he ('Ali) had received homage and felt himself firmly established - the same plea that he put forward in the case of the rebels. The removal of the Umayyad agents should have been slow and gradual. These liquidations of the vested interests of the Umayyads should have been contrived in such a way as not to give them an such. Their wholesale dismissal created the impression that they (the Umayyads) would have no place in the changed

order of things. This went to rally them and their allies round Mu'awiyah. The old tribal jealousies and rivalries were revived and hence-forward it had an upper hand in the choice of the Khalifa. It was always a particular tribe or a coalition of tribes that supported the rule of a particular house for the sake of mere selfinterest. When Mu'awiyah did not swear the oath of allegiance to 'Ali, 'Ali marched with an army against him. His contention was that as he was the duly elected Khalifa, it was incumbent upon Mu'awiyah to swear the allegiance to him. Any resistance to the duly elected Khalifa could not be tolerated.¹ Before resorting to swords 'Ali opened up negotiations with Mu'awiyah. A truce of three months lasted. Negotiations were carried on between the two parties. When these negotiations were of no avail, regular battle began. This lasted for several months. The Syrians would have been defeated. But 'Amr ibn 'As bethought him of strategem. On his suggestion, the Syrians raised the sacred leaves of the Quran on the points of their lancers and called out along the line of the battle. "The law of God - The law of God- Let it decide between us." As soon as the partisans of 'Ali heard it, they leapt forward and re-echoed the cry "The Law of God shall decide between us". In vain ^{Ali} A-li tried to explain to

1. Dinawari p 167.

them that it was designed to deceive them. But they did not listen to him and threatened 'Ali that unless he agreed to the arbitration, they would all desert him or serve him as they had served 'Uthman. 'Ali had to order for the ^{cease} dease of fire. Negotiations were again opened with Mu'awiyah. It was agreed to refer the matter to two arbiters. The Umayyads succeeded in their designs. 'Ali was forced to the still deeper humiliation of appointing Abu Musa who had been deposed from the governorship of Kufah for want of active loyalty as his arbiter. The Syrian arbiter was 'Amr whose deep and crafty ways Abu Musa was no match. To the umpires the guarantee of safety for themselves and for their families was given by 'Ali and Mu'awiyah - the contracting parties. The people were to abide by the decision of the umpire. They swore that they would judge righteously so as to stay hostilities and reconcile the faithful. In case they decided against the Quran and the Hadith, the two parties were to resume fight. The hostilities were mutually suspended. The Bedouin tribes of Murad, Rasib and Tamim who belonged to 'Ali's camp did not agree to this proposal of arbitration. They reproached 'Ali for having abandoned the cause of Islam to the hands of Godless arbitration. They separated themselves from 'Ali and chose their temporary leader. Their contention was that only Quran could arbitrate. These

seceders were known as the Kharijis and the foundation of the Khariji sect was laid. On 'Ali's assurances that he had been driven to accept the arbitration against his better judgment by their persistent obstinacy and that their umpires were bound by the terms of agreement to deliver their decision in accordance with the sacred text, they were pacified for the time being. Both the umpires met at Dumat-ul-Jandal. It was admitted that the murder of 'Uthman was a wicked and unjustifiable thing. 'Amr then proposed his son for the Khilafat but Abu Musa did not agree to it for he had been made to take sides in the civil-war. The son of 'Umar was put aside as not having qualities fitting him for this high office. Finally both of them agreed that both 'Ali and Mu'awiyah should be deposed and a new person should be chosen as the Khalifa. Abu Musa was asked by 'Amr to announce the judgment publicly. He told the assembly that they saw no other course so likely to restore peace and concord amongst the Muslims than to depose both 'Ali and Mu'awiyah. They should therefore choose another fit person as their Khalifa. Then 'Amr stood up and he announced that he also deposed 'Ali but he confirmed Mu'awiyah for he was the avenger of the blood of 'Uthman being his relative and was the best entitled to succeed.

The assembly was thunder struck. Even the Syrians

had never dreamt Mu'awiyah achieving such a triumph nor had it entered the minds of the partisans of 'Ali that their umpire could be ever reached thus shamefully. Thus by the startling intelligenece of 'Amr, Mu'awiyah was saluted Khalifa¹ by the Syrians.

"RELIGIOUS DISSIDENTS AND 'ALI"

'Ali resolved on the immediate renewal of hostilities. But first he had to deal with the fanatics of his own camp or the ^{dissidents} dissentents who opposed him on religious grounds. Their cry was that there should be no oath of fealty by but to God alone - the Mighty and the Glorious. They were the anarchists of the day in the sense that they denied the existence of the head of the state. They were intensely fanatics and regarded both 'Ali and Mu'awiyah as apostates. They formulated their creed into one short sentence "No judgment but the Lord's alone." In vain, 'Ali argued before them that they themselves had forced the arbitration upon him. They raised the standard of revolt against him for he had done an act of blasphemy. They thought if they perished it would be in a righteous cause. Fanaticism and simplicity were their characteristic features. They assembled at Nehrawan. Their design was to occupy Madinah and establish a theocratic rule.

1. Dinawari I pp 180-1.182,202,204,205,214; Tabari 3329, 3330, 3332.

They committed horrible outrages in the country round about their camp and put to death 'Ali's messenger. He had to change his mind and chastise these seceders. At intervals, they gathered up their strength and assailed the Islamic state. They were often beaten back. These fanatics formed a political sect of their own. They proved to be a thorn in the side of the Khilafat, although 'Ali had defeated them, they continued to exist.

After the battle of Nehrawan, 'Ali marched against the Syrians. But when he reached Nokhela his soldiers dropped off in small parties and did not turn up in spite of his exhortations and reproaches. He had to give up this expedition.¹ Muwawiyah was now the undisputed monarch of Syria. He was strong in the loyalty and affections of his soldiers. He had not to fight his own supporters as 'Ali had to do. Egypt was lost to 'Ali through the unwise policy of Muhammad - 'Ali's new governor and 'Amr became its governor as Muwawiyah's lieutenant.²

"THE ERA OF DIVIDED KHILAFAT"

'Ali's regime was one of continuous struggle. He had to face and quell down risings. His own partisans and

1. ~~Ibn Khaldun IV~~

2. Ibn Athir III pp 107-8, 143; Tabari p 3041.

fellowers were indifferent and disloyal to him. This was a burden and mortification hard to bear.

The frequent repetitions of the desperate enterprises of the Kharjis had a disturbing effects on the capital and the Khilafat at large. Muawiyah also sent raiding parties to ^{ravage} ~~revenge~~ Ali's territories, exact the tolls from the Bedouin tribes and force upon them allegiance to his Khilafat. These inroads inspired a sense of insecurity and betrayed clearly the luke-warmness of the partisans of Ali. Ali's own kith and kin deserted him. These troubles crowded rapidly one upon another. The continued indifference and disloyalty of his own men had broken his spirits. Accordingly an armistice was signed between him and Muawiyah by which both of them agreed to lay aside their arms, respect the territory of each other and maintain a friendly attitude and thus an era of the divided Khilafat ensued.

To the Kharjis the cessation of war and a settled government was the ruin of their hopes. After this truce, they felt that the ungodly kingdom of the earth could not be overthrown and the reign of righteousness could not be established in their stead. Three of them conspired to kill the three oppressors of the faithful viz. Ali, Muawiyah and Amr

bin 'As. They thought that then Islam might be again free and the reign of the Lord appear. Each was to dispose of his fellow as he presided at the morning service. On the appointed day the conspirator ibn Muljim attacked 'Ali and severely wounded him. Mu'awiyah too received injuries at damasuq but he recovered. 'Amr was sick on that day hence he escaped. But 'Ali's wound proved fatal. He died, He was so true to the principle of election that he did not nominate his son Hassan to the Khilafat.¹

"THE KHULAFAT-I-RASHIDIN AS ADMINISTRATION"

"A B U B A K R"

Abu Bakr ruled in accordance with the principle laid down and practised by the Prophet. He was a lenient ruler but he was not wanting in firmness when the occasion demanded. It was he who had saved Islam on the eve of the death of the Prophet through his wisdom, insight and sagacity.

The question of succession might have plunged the Muslims into a civil war. But his timely action prevented it. He stood almost alone and all around was dark when he

1. Ibn Sad III/1 p 24; Tabari 3457-8, 3460;
Ibn Athir III p 156;

was proclaimed as the first Khalifa of Islam but he showed boldness and stead-fastness of purpose which turned the tide of rebellion and apostasy. He did not compromise ever over the fundamentals of Islam. He put down rebellion and brought the whole of the peninsula under the banner of Islam. It was under his direction that the Muslim armies were able to inflict crushing defeats upon the Byzantine and the Sassanid empires. It was he who consolidated Islam.

For the first time, he demonstrated to the Arabs that authority derived from Allah could exist out-side the frame work of family. Under him the Quraish - the most influential section of the community were far from being the royal house. Even the members of his family could not claim any privilege. His scrupulous and the relaxing vigilance which saw that he himself not to speak of his family or any particular group received no advantage from the high office gave the quiet to the murmuring of all sections so much that in all subsequent years the Ansar or the Medinites never betrayed any sign of class consciousness and none could exploit any grievance against his authority.

"UMAR AS AN ADMINISTRATOR"

Umar was the real founder of all those institutions which made the Khilafat for centuries the ruling

power of the world.

He began his reign as the master only of Arabia and a few districts of Persia and Syria but he died as the head of an empire embracing the whole of Persia, Egypt and some of the richest provinces of Byzantium.

But throughout this marvellous fortune he never exalted himself above the frugal and familiar style of the Prophet.

Equality, impartiality, sense of stern justice and devotion and sense of responsibility characterized the discharge of his great office. The different tribes in the empire representing the most diverse interest reposed in his integrity confidence. His strong arm maintained the discipline of law ~~and in the empire~~ and kept in check the conflicting claims of the Arabs and non-Arabs.

He took special care of the people. He was accessible to all and ^{freely} mixed with the people. He had no porter or chamberlain.

He used to go round the city ^{of Madinah} in the night time with a view to come to know of the actual condition of the people.

He toured the Syria and other provinces of the

provinces of Khilafat and came into contact with people and redressed their grievances.

He strongly disliked the un-Islamic ways of life and warned the government officials against them.¹ Thus he did with a view to maintain the pure Islamic spirit intact.

He removed those governors who had begun to lead a luxuriant life.²

He introduced the principle of separation of powers by separating the judiciary from the executive and directly appointing the Qadhis. He also introduced the institutions of stipends, the era of Hijrat, the bait-ul-Mal, the revenue department and the departments of police and Public Works. He adopted the title of amir-ul-Muminin, appointed Qadhis with fixed salaries, established an elaborate military system, undertook the census of Muslims, dug canals and encouraged irrigation, improved agriculture, assessed the lands, founded cities and jails, permitted the non-Muslim of belligerent countries to carry on trade, patrolled the city of Madinah in the night in

1. Tabari p 2403

2. E.g. 'Iyadh ibn Ghanam was deposed on this account.

order to know of the conditions of the people, fixed stipends for indigent non-Muslims, opened schools and contentments.

In brief almost every department of the government received his attention and he laid down an elaborate and well defined system of administration.

"UTHTMAN AS AN ADMINISTRATION"

Uthman was a pious and lenient ruler. He did not bring about any radical change in the administrative machinery of the Islamic state. ^{He} Uthman elaborated the principles of separation of powers and checks and balances by separating the military department from the control of the executive and placing it under the provincial commanders.

The principle of recall was also instituted in his regime. Provincial governors were removed from their offices on the representation of the people, e.g. Abu Musa was removed from the governorship of Basrah on the representation of the residents of Basrah.¹ Uthman was of the view that the Bait-ul-Mal belonged to the general community. No one not even the Khalifa had any right to misuse

1. Tabari p 2802.

or misappropriate its fund or spend it on his own self or allow others to do it.¹ He had given one-fifth of the Khums of Tripoli to 'Abdullah ibn Sarah but when people protested against it he got it back from 'Abdullah.²

He destroyed all those copies of the Quran which differed from the Quran compiled by Abu Bakr. Throughout the country there was one uniform and standard text of the Quran.³ He thus saved the Muslims from future controversies.

He supervised the actions of his governors and deposed them if they abused their powers or contravened the sacred law. He sent commissions to different provinces to enquire into the conduct of the governors.⁴ In this way the governors were put to the strongest control. He allowed every one to bring to his notice publicly the conduct of the walis at the time of the Hajj.⁵ This prevented the governors

1. ^{Tabari} Ibid p 2593.

2. ^{Ibid} Tabari p 2815.

3. F. B. IX pp 16-8

4. Tabari p 2943.

5. Ibid p 2944.

from becoming despots. In the administration of Egypt, he introduced the principle of dual government. 'Amr was appointed as the head of the revenue and civil department while 'Abdullah ibn Sarah was put incharge of the military department.¹

As he was a man of maled temperament, he could not control the conflicting tribes who were wanting in devotion and loyalty to him. In order to remedy it, he appointed his relatives i.e. Umayyads as governors e.g. his cousin Mu'awiyah, Walid ibn 'Aqbah and 'Abdullah ibn Abi Sarah for he could count on their support and loyalty.

ALI

'Ali was noted for his wisdom and best counsel. The Prophet often consulted him. He was one of the chief counsellors of Abu Bakr. 'Umar did nothing without consulting him and valued his opinion most. He used to say had 'Ali not been there, 'Umar would have died. He had great vigorous spirit and determination. He tried to maintain the integrity of the Khilafat and avert the schism which for a time threatened the very existence of Islam.

1. Yaqubi II p 189; Ibn Athir III p 68.

But he did not succeed. Heavy odds were arrayed against him. The treachery of his own men was responsible for his failure. His reign was reign of civil war. He wanted to rule with piety, honesty, justice and strict impartiality. He wanted to put an end to the un-Islamic traditions and customs that had entered the Muslim society and run the administration on the orthodox lines.¹

As a legislator, he occupies a very high position. When the Kharijis expressed their opposition to the institution of Tahkim or arbitration and quoted the Quranic verse "There is no law but of Allah" in their support. He answered their argument by quoting the verse:-

"If there is any difference between
the husband and the wife arbitrate"

held the view that when arbitration was recommended in domestic affairs why it should not be resorted to in political affairs as well. He thus laid down the principle by his practice that if there was any dispute among the Muslims, it should be referred to arbitration.

He acted as a Qadhi in the time of the Prophet, Umar and as the highest court in his own time. He interpreted the law. His judgments constitute the precedents

1. E.g. He took back some of the landed properties in Iraq which Uthman had granted to Umayyads.

of the Muslim law especially the Hanafite school. 'Umar said about him "The best judge amongst us is 'Ali." 'Ali tested the truth and authenticity of the witnesses and the parties of the case by cross questioning them.

He warned his collectors not to realize the taxes harshly. They had to pay special attention to the welfare of the people.¹

He paid special attention to the defence of the frontiers and erected a number of military contonement on the Syrian frontiers.²

He introduced some new punishments for the transgressors. Thus the "Zindiqs" or the heretics or those who attributed divine attributes to him were burnt alive. Houses were demolished in some cases. Punitive punishments were also introduced. By this he laid down the principle that the head of the state could introduce new forms of punishments in order to suppress heresay.

1. Abu Yusuf p 50.

2. Tabari p 3450.

He suppressed the rebellions of the Kharijis and the Sabais or the followers of Ibn Saba. The doctrine of these sects were against the doctrines of orthodox Islam. As a Khalifa he was in duty bound to punish these heretics.

On account of constant rebellions^o and wars, he could not get sufficient time to look to the administration. But he tried to improve the administrative machinery. He scrutinized the doings and actions of his officials and saw that no excess was made in the realization of state dues. He punished those who mis-appropriated or wasted the state funds.

1. Abu Yusuf p 69; Yáqubi II pp 237,240,242.

CHAPTER IV

THE STRUCTURE & ORGANIZATION OF THE ISLAMIC STATE UNDER THE UMAIYYADS.

Nature of State

Hasan - 'Ali's eldest son and successor abdicated in favour of Mu'awiyah on account of the treachery of the 'Iraqis - his supporters and Mu'awiyah was acknowledged as the supreme head of the Islamic world.

The rise of the Umayyads to the headship of the Islamic state marked the beginnings of the Arab rule. The democratic spirit of the Khilafat-i-Rashida gave place to the rule of Arab aristocracy. The non-Arabs enjoyed an inferior position.

Another notable feature of the new regime was that the tribal jealousies that had been kept in check by the strong hands of Umar were revived with vigour under the Umayyads. The old antagonism between the south and north Arabs under the leadership of Ghassan and Hira was revived under the names of 'Iraqis and Yamanites. Mu'awiyah - the founder of the dynasty and most of his successors continued this policy.

Walid I and Hisham patronized the Mudharite or the North Arabian Party - the opponent of the Yamanites. Hajjaj, his cousin Muhammad and Qutaybah the renowned General and subduer of central Asia were the main leaders of the North Arab party. Most of the Umayyad Khalifas appeared to be rather the heads of a particular party than the sovereign

of the united empire.

Another notable feature of this regime was that the principle of heredity was introduced into the caliphal succession never thereafter to be abandoned. 'Muawiyah was the first ¹ Khalifa who introduced the institution of kingship or mulk. He was the first malik or king in the history of Islam. Muawiyah did not like to leave the community of Islam like a sheep without a shepherd and for this reason he appointed his son Yazid to be his Wali-Al-'Ahd or "successor by virtue of a covenant" i.e. his heir-apparent for he was of the view that a member of his clan alone could command the allegiance of the Arabs. Under the new regime excepting the short reign of 'Umar II, it was not the religious consideration that played the strongest part but considerations of wealth. So with the new regime the tribal society of the Arabs was replaced by a somewhat feudal society and the earlier attempt of levelling and equalising failed.

'Umar II tried to remove inequality but he died before the task could be fulfilled.

Feudalism with all its evils had existed in Syria, Persia & Egypt before the rise of Islam. Some of the glaring evils were removed by the first four Khalifas. But the old system was allowed to continue in these three lands. Pieces of lands deserted by the fleeing church fathers, active former crown lands, lands of warriors confiscated ^{for active} hostility to the Muslim, lands belonging to the places of worship became state property. Other feudal

1. Yaqubi II p. 257; Ibn. Khaldun 'Muqaddam-ah' p. 169.

estates under the Syrians, Egyptians & Dihqans of Persia were allowed to continue in return for land tax.

As the Khalifah Muawiyah retained the estates granted to him by 'Uthman & granted portions of that to his supporters as alienable private property. 'Abdul Malik and other Khalifas did the same. When the non-Muslim owners died heirless, 'Abdul Malik granted these fields to the Muslim as 'Ushri lands. Other Khalifas also granted fiefs to their favourites and also allowed the Muslims to purchase the Kharaj lands from non-Muslim. Thus not only in Syria but in other parts of the Khilafat, Muslims began to acquire big landed estates by grant, by purchase and by other means. As a result of all this by the end of the reign of 'Muawiyah, a form of feudalism was established through out the Umayyad Khilafat. Its evils became more and more serious. Thus was created a Muslim landed aristocracy which deprived the state of a considerable amount of revenue. These landed aristocrats because of their influence were not taxed strictly hence the burden of taxes fell on the poorer people. Often the feudal chiefs were the tax collectors in the villages and apportioned the entire tax due from the village to the small land owners and thus saved themselves from all taxes. Moreover, they enriched themselves by collecting unauthorized taxes, presents and contributions and the evils of feudalism rampant among the Romans & Byzantines which were

1. Balazuni pp 148, 179, 180 & 308.

abolished by 'Umar I reappeared under the Umayyads.

The Khalifas, their Viceroy¹s and governors became the greatest land owners. The pious 'Umar II realized that the vast estates of the Khalifas and governors were accumulated at the expense of the state and the poorer subjects and tried to dispossess the misappropriations. He returned his own share to the state. This task was too big for him. He fought the feudal aristocracy heroically but he could not succeed. After him the process was again set on the move.

Thus with the new regime started feudal Arab aristocracy which was the negation of the democracy which had started under the Prophet and the pious Khalifas.

Election was preserved through the institution of the Baiyat. Deputations from various provinces visited the capital and took the oath of allegiance. But all this was only a formality. The democratic process of choosing the head of the Islamic State which belonged to the Ahl-ul 'Iqd was put to an end. This precedent² was followed by all the successors of Muawiyah. Of the 13 Khalifas who ascended the throne after him four were the immediate successors of their fathers while others were either brothers or cousins of the outgoing khalifa. The reigning khalifa proclaimed one among his sons or kinsmen whom he considered most competent as his successor and for him usually an anticipatory oath of fealty

1. Balazuri pp 290, 293 & 294; Tabari II p 1165.

2. Ibn Sad V pp 277-9.

first from the capital and then from other principal towns of the empire was taken. The Khilafat was transferred into a dynastic empire though it preserved democratic features as well as is evident from the fact that the notice of the nomination of the heir-apparent was sent to the provincial governors who were required to obtain promises of adherence to the heir-apparent, and the nomination was formally confirmed by the general oath of allegiance.¹ The general community still possessed the privilege of confirming the nomination of the Khalifa notwithstanding the fact that the khilafat had been converted into a dynastic empire.

Another instance of the democratic feature was the affairs of the state were still conducted through consultation. The rule of the Khalifa was no doubt personal but he always consulted the heads of the Syrian tribes and other eminent publicists. Muawiyah's success is to a very large extent to be attributed to the circle of counsellors and advisers with whom he surrounded himself.²

The introduction of hereditary and dynastic principles were not in keeping with the ideals of Islam, and were deviations from the ideals set up by the Prophet and his first four successors.

1. Tabari II P. 1170; Ibn A'thir IV p 410.

2. E.G. 'Amr Ibn Al 'As, Mu'ahirah bin Shubah & Ziyad bin Abih.

Umar b 'Abdul 'Aziz tried to remedy this evil and revive the old republican form. But his reign was too short to bring about a radical change. Under the Umayyads a khāla-fat ul nubuat (the prophetic i.e.,¹ theocratic) was changed to a mulk or a temporal sovereignty.

Under 'Abdal Malik began the arabicization of the state. It consisted in changing the language of the public registers or diwans from Greek and Persian to Arabic in Iraq² and the eastern provinces, and in the creation of an Arabic³ coinage. With the change of language a change in the personnel naturally took place. At first Greek-writing officials in Syria and the Persian-writing officials in Iraq and Persia had been retained in the revenue and the finance departments. But with the changed language of the Diwan under 'Abdul Malik only those non-arab officials who had by that time mastered the Arabic language were retained. Arab officials were appointed in place of those who were ignorant of Arabic. This step was a part of a well-planned policy.

Before the reign of 'Abdul Malik, Roman and Persian money was current in the Islamic dominions. The Muslims were under the economic and financial domination of the Byzantines

1. Yaqubi II p 257.

2. Mawardi pp 349-59; Balazuri pp 193, 300, 301; Ibn Athir IV p. 161.

3. Ibn Sad pp. 473, 474, Tabari II p. 939; Balazuri p. 240.

and Persians.

The Muslims now got rid of the non-Muslim coinage and obtained economic emancipation. This also went to improve their economic condition.

Credit goes to 'Abdul Malik of striking at Damascus 657-76 A.H. the first gold Dinars and silver dirhams which were purely Arabic and establishing a Royal Mint¹ and the process. Another characteristic feature of the new regime was that Roman, Byzantine and Persian or Un-Islamic institutions also found a place in it and the old simplicity of the days of the Prophet and the Khilafat-i-Rashida was no more. Now ensued the era of temporal sovereignty. Among the institutions was Maq³rurah-a sort of bower inside the mosque reserved for the exclusive use of the Khalifa². The royal throne was instituted and a royal court noted for its pomp and show on the Byzantine model was also established. Umar bin Abdul 'Aziz tried to go back to the days of the Khilafat-i-Rashida and wanted to rule like the first four Khalifas but he failed. Moreover his reign was too brief to bring about any radical change.

The central administration

A period of greater centralization set in. As more settled conditions began to prevail the need arose for better organization of the government. The Khalifa exercised personal supervision and control in the affairs of the state. He was now assisted in the more complicated duties of peacetime by a number of Diwans or departments. Nothing escaped

his notice.

2. Tabari II p. 939; Balazuri p. 240.
2. Tabari II p. 70; Yaqubi II p. 265; Dinawari p. 229.

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¹ Muawiyah established the Diwan-al-khatamat¹ or the chancery whose duty was to make and preserve one copy of each official document before sealing and dispatching the original.

The principle of separation of power was also at work and the three fold governmental functions of political administration, collection and religious leadership were performed as a rule by different officials. Thus in the time of Muawiyah, the finance department of Kufah was put under another officer known as the Sahibul Kharaj who was quite independent of Mughirah¹ the governor of the same province who was the head of the executive and was directly responsible to the Khalifa². Similarly, the judicial department or the Qudha was quite separate and distinct from the executive and was under Shurih - the Chief Judge or Qadhiul-Qudha.

The khalifa appointed these officials and removed them from their office whenever it pleased him. With a few exceptions almost all the khalifas had a notorious propensity for absolutism. The real spirit which guided them was a genuine Arab spirit.

1. Tabari II pp 205-6.

2. Ibn Khaldun III p. 4.

The reigning khalifa could and did annul the heir-apparency of persons disliked by them. Thus 'Abdul Malik deposed 'Abdul 'Aziz b Marwan from heirapparency and appointed his own son Walid in his place and¹ procured the consent of his subjects to his appointee. Sulaiman did the same for 'Umar b 'Abdul 'Aziz.²

The high state officials such as the governors were taken to task in case they violated the instructions of the Khalifa, misappropriated the public money, maladministered the areas under them, or committed excesses or atrocities or neglected their duties. They were dismissed from their offices. Ibn 'Amir was dismissed from the governorship of Basra on account of his incompetance and inefficiency on the representations of the citizens of Basra themselves. Yazid ibn Muhallib was deposed from the governorship of Khurasan and imprisoned on the charge of misappropriating³ the public money by 'Umar ibn 'Abdul 'Aziz.

Pomp and show crept in the khilafat. The khalifa led a luxurious life and lived in magnificent palaces. Court etiquettes were borrowed from the Byzantines. Chamberlains

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1. Ibn Athir IV p. 198.
 2. Ibn Sad V pp. 277-9.
 3. Ibn Athir III p. 175.

or Hajibs and body-guards and personal attendants were appointed. The old simplicity of the orthodox khalifas did no longer exist. In their time, every one had a free access to them but under the Umayyad regime the khalifa was accessible only to influential persons.

The khalifa set apart the evenings for social intercourse and entertainments e.g. Muawiyah listened to historical narratives and poems. . Courtiers, songsters, poets & musicians besieged the Khalifas.

Hunting, horse-racing and dicing engaged the interest of the Khalifa.

Muawiyah was the first to institute a royal throne-Sarirul Mulk . 1 The saintly Umar II led a simple life and was content with the meal served in the state kitchen for the poor. The courtiers, singers poets and musicians were turned-out of the court by him. He used to sit on the floor. He tried to get round him as many scholars and divines as possible to advise him and kept himself in touch with devines and saint like Al Hasan Al Basri.

In the matter of revenue the khalifa had an absolute unfettered discretion. He disposed at will of the revenue of the state e.g. Muawiyah made once for life, the entire revenue of Egypt to one of its governors who defrayed out of it the administrative and military charges.

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1. Yazid I was the first great hunter in Islam. He adorned his hunting dogs with gold anklets-Fakhri p. 76 Walid and Sulaiman patronized public races- Masudi VI pp 13-7, Ibn Jawzi 'Sirat' Umar' p. 56; Kitabul Uyun p. 69.
 2. The Khalidun 'Muqaddamah' P. 217.

A special dignitary for each province to represent him at the public prayers was appointed by the khalifa.

To facilitate written communications between the Khalifa and the governors Muawiyah created a state chancery or the Diwan-ul-khatam. Every ordinance that issued from the Khalifa was copied there in a Register and the original was then sealed and despatched.

He also established the postal system or barid.² Originally it was designed to serve the purposes of the state. The main high ways were divided into stages and each stage had horses ready to carry the post. In Arabia & Syria Camels were used.³ Thus by a system of relay, the state messages and latter all posts were carried from one part of the state to another.⁴ This was considerably improved under Abdul Malik. Not only was the post carried through a relay of ~~xxx~~ horses but the state officials also used the postal system for swift journey.⁵ In emergencies, postal carriages were used for hurried dispatch of troops. The post-masters kept the khalifa informed of the happenings in the kingdoms under the jurisdiction.

1. Fakhri p. 97.

2. Ibid.

3. Ibn Athir VI p. 49.

4. Masudi IV P. 93.

5. Ibn Athir IV PP. 352 to 356.

The institution of Barid or the postal system was maintained throughout the empire. Its purpose was the conveyance of official messages between Government agents in the provinces and the Capital. The officers attached to this service or the Sahibul Barid were in fact, intelligence agents whose business it was to keep watch on events in various parts of the empire and send in reports of any happening worthy of a note even in quite unimportant matters. The khalifa thereby became aware of all that passed. Others knew that the khalifa was alert and had appointed men of experience in every place so that oppressors would withhold their hands from doing wrong. This system was copied from the Byzantine and Persian Empires. While Umar II improved it by building caravansarai for it at suitable stages along the great Khurasan highways. Messages were sent either by runners or carriers mounted on horses or camels.

The Sahibul Barid or the chief master of the posts of the khilafat acquired political significance as supervisor of provincial functionaries. Despatches from all districts were at first directed to local barid officials who sent them on by the speediest route to the capital. A special diwan was created for it at the Capital. The Sahibul Barid presented the report and messages from his subordinates to

1. Al Fakhri p. 97.

2. Siyasat ^{Namah} Wamer P. 58.

the khalifa. He (the Sahibul Barid) appointed local officers in different cities, nominated secretaries, placed suitable men at relay posts along the roads and appointed couriers.¹ He used to see that all employees received pay and supplies. His functions to a large measure were those of a Director of intelligence service. He was required to have at his command not only the knowledge ordinarily available but also special information about routes and stages in case the khalifa ever had need to go on a journey or despatch troops by the shortest way possible. He compiled route books and these were the earliest muslim geography books. They gave short account of the towns on the way, provided the details of the various itineraries and also gave information about revenues and products of the provinces through which the roads passed.

The Diwan-ul-Kh^{ir}aj or the finance department and the Diwanul-Mustagh^{ir}illat or the board of revenue also existed where all the different taxes were received, registered and calculated, for instance, rent for the use and occupation of public lands. Here were received all monies remaining over in the various parts of the empire after payment of officials and other necessary expenditure. It was from here that payments were made for the public works which the Umayy^yads carried out and for the postal service maintained throughout the empire which was of the greatest importance to the Central Government. The surplus of the provinces were paid into the board.

1. Kitabul-Kharaj of Qudama in Ibn Khurdadbih edited Geeji p. 184.

The Public Works Department

The Umayyad Khalifas were master builders and a regular department of public works existed. The Khalifas¹ built grand palaces in which they lived, mosques, and a number of public buildings, constructed roads and bridges and dug canals.

The Kabah was reconstructed in the form in which the Prophet had left it during the days of Abdul Malik.²

Abdul Malik constructed walls and embankments around the exposed areas of Makkah so that no damage from cloudburst may occur. In Jerusalem was erected the magnificent Dome of the Rock in his reign.³

The greatest builder of the period was Walid bin Abdul Malik. The Prophet's mosque at Madinah was rebuilt on a very grand scale for which material came from all parts of the empire. The Byzantine emperor, at the request of Walid sent about 50000 guineas or 100000 mithqals of gold and forty camels loads of mosaics with a large number of expert masons.⁴

He bestowed great attention and wealth on the Umayyad mosque of Damascus.⁵ It was considered to be one of the marvels of the world and people admired its grandeur and beauty. In addition to these two great mosques, he

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1. E.G. Muawiyah built for himself the famous Green Palace at Damascus.
 2. Balazuri p- 167.
 3. Ibid. p. 54.
 4. Ibid. p. 7
 5. Yaqut II p. 593.

built, extended and beautified a number of other mosques and decorated the tomb of the Prophet.

Walid also built a number of schools and hospitals. In the third year of his reign, he had all the roads in the empire repaired and planted with mile stones.¹ Rest houses were built and wells sunk along the roads.² He established hospitals throughout the empire.

His undertakings were improved upon and extended by Umar bin Abdul Aziz. He had rest houses built and wells sunk in the newly conquered territories of the East and ordered the Walis of Khurasan and Samarqand to build rest houses along all the roads.³

Of more importance for the general welfare was the work undertaken in connection with canals and irrigation. Under Abdul Malik part of the Bataih - the great Tigris-Euphrates swamp was drained by the orders of Hajjaj-Viceroy of Iraq. Dykes were built up and channels deepened & widened both for drainage purposes and to provide passages for shipping.⁴

Walid ordered for the digging out of canals.⁵ and construction of hospitals.

An other important department of the Central Govt. was the Diwan ul Jund. It was the same great Dewan established by Umar I which assigned annuities to all Arabs & to

1. Tabri I p. 1191.

2. Yaqubi II p. 348.

3. Tabari II p. 1364.

4. Balazuri p. 293.

5. Frag Hist. Arab edited by Goeje quoted by Levy *Levy*
Vol. I pp. 322 & 323.

the Muslims of other nationalities. The form in which Umar had left it underwent much change in the days of the Umayyad Khilafat. On the one hand the government meddled with the register in any way as it liked and on the other hand the recipients began to regard the pension or stipend as a subsistence allowance rather than a salary for military service.

The most remarkable service rendered to humanity was the undertaking of the state in the days of Walid I to support all the incapacitated and limbless. He granted pensions to all of them and appointed servants and attendants to lead the blind and assist the incapacitated. This service no other state has rendered so far.

The Provincial Administration. The empire was divided into the following provinces.

1. Syria with its sub-divisions of Damascus, Qinnisrin, Urdun and Falastin. Falastin
2. Kufah together with the whole of Iraq.
3. Basrah with Persia, Sijistan, Khurasan, Bahrain, Oman, Najd and Yamamah.
4. Armenia
5. Makka
6. Madinah
7. Karman & frontier districts of India.
8. Africa.

1. Syati p. 224.

9. Egypt.

10. Yaman and the rest of South Arabia.¹ Gradually these provinces were combined into five Viceroyalties Muawiyah combined Basrah and Kufa into one viceroyalty of Iraq which included west of Persia and eastern Arabia and had Kufa as its head quarter.

The machinery of provincial government remained simple during the Umayyad regime. The extent of their territories allotted to a provincial chief varied with his personal capacity. Sometimes two officers of equal powers sent to a province where one alone had governed before. For instance after the dismissal of Harith from the governorship of Basrah, Ziyad ibn Abihi was given the governorship of not only Basrah but also of Khurasan, Sis'an and also of India, Bahrain and Oman and five years later Kufah too was placed under his jurisdiction.² In the year 58 A.H. Mu'awiyah made two brothers joint Amils of Khurasan.³

Difficulties of communication of always embarrassed the central control of the more distant provinces. The provincial Chiefs were assured of virtual independence until they were dismissed. Although the initial appointment of governors was always made from the Capital the governordesignate often encountered opposition when he reached his province.⁴

1. Ibn Khaldun V III pp 4, 10, 15, 17, 134-141.

2. Ya'qubi II p. 272.

3. Tabari II p. 73, 88, North Africa was placed under Muslama ibn Mukhallad who was also invested with authority over Egypt-Tabari II p. 94.

4. Tabari II p. 188.

Four other viceroyalties of Hijaz comprising of Hijaz, Yaman and central Arabia, Jazirah with Armenia, Azarbaijan and parts of Asia Minor, Lower and Upper Egypt and Ifriqiyah comprising of North Africa, Spain, Sicily and other adjacent islands were created.

These Viceroyalties were placed under governor-Generals who had the full charge of political and military administration. They appointed the governors of the provinces under them and deposed them. Eg Ibn Amir appointed Ibn Khazim as the governor of Khurasan and removed Qais from the governorship of that province.¹

These
These Viceroyalties were often transferred. For instance the viceroys of No. Africa were often transferred to Egypt.²

Usually the viceroys changed with the change of the khalifa.

The governors enjoyed the power of appointing their own subordinate officers.³

The governor appointed prefects or Executive Officers of the districts under him. He made these appointments without any reference to the khalifa. He appointed all provincial officer such as Sahib ul Kharaj, Amilus Sadaqat, the Katibs of the diwans and others. They simply sent the information of the appointments to him e.g. the

1. Ibn Athir III P. 166; Hajjaj ibn Yusuf appointed and dismissed his lieutenant at his will. Tabari II p.1138.

2. Ibn Athir IV.

3. Balazuri p. 224.

governor of Kufah appointed the prefect of Ray and that of Basrah the prefects of Sijistan and the Sindh. When Ziyad became the governor of Basrah he divided Khurasan into four districts and appointed a prefect for each. Police officials were also appointed by the Governors.

The governors were held responsible for the maintenance of law and order and peace in their province. They were to give stipends and allowances to people. When they were removed from their office, all the subordinate officers appointed by them were also removed from their offices.

The principle of separation of powers was at work, the khalifa appointed Qadhis who were directly responsible to him and who acted independently of the Walis or governors.

Taxation or the finance department was held by a special officer known as the Sanib ul Kharaj. Sometimes, the khalifa conferred the duties of collection along with the administration on the same person e.g. Sulaiman appointed Yazid ibn Muhallab as the governor-general of Iraq and put him in charge of military affairs, the leadership of public prayers and the collection of taxes as a token of marked confidence.

The doings and actions of the governors were strictly controlled and supervised by the khalifa. They were

1. Ibn Khaldeen ^{III} p. 4, Balazuri p. 224.

dismissed in case they mis-appropriated the state revenue or failed to submit the accounts. They were also removed on account of oppression e.g. Yazid Ibn Muhallab was removed^m from the governorship of Khurasan and imprisoned on this account.

They received instructions from the khalifa and were to see that the charges of the administration, the state ^{annuities} ~~annuities~~, the pay of the soldiers in their provinces were met by the revenues of their province. Only the balance was sent to the central Baitul Mal. Thus the policy of complete decentralization prevailed as regards finances. Many of the Walis or governors were interested in those function which are now-a-days performed by the modern provincial government such as the reclamation of wastelands, draining marshes digging canals, constructing dams, roads and bridges etc.² Hajjaj prevented the slaughter of Oxen and thus took the first step in the direction of preserving the live stock of the empire and imported a number of buffaloes from Indian and introduced them in Iraq and Syria.³

Three diwans or boards existed in the provinces.

These were as follows:-

- 1) Diwanul Jund or the Military Board.
- 2) Diwan ur Rasail or the board of correspondence
- 3) Diwan ul Mutaghillat or the Finance Board.

1. Yaquni II p. 313.

2. Balazuri p. 274; 290, Jahshiyari p. 7.

3. Balazuri p. 293.

The first department administered the military affairs of the province. While the Diwan ur Rasail was the chief secretariat which dealt with all correspondence and coordinated the work of all departments.

The third diwan was the finance department of the province and kept the accounts of all receipts and disbursements.

For a considerable time the Umayyad rulers at their first coming into new territories left the details of administration which in practice consisted mainly of collecting taxes to the minor native officials of the older regimes. They were kept to continue the existing revenue system. A number of officers were appointed to fill the newer offices made necessary by the new regime. Thus Yazid Ibn Muhallab appointed the Sahibul Kharaj¹ when he succeeded Hajjaj as governor of Iraq. At Samarra² and the head of the police department was also responsible both for military duties and the collection of revenue. Sometimes all the duties of these subordinates officials were combined into one. It was left to the discretion of the governor. Thus Khalid Al Qasri in 110 A.H. entrusted all the public offices at Basrah except that of revenue into the hands of a single individual. He was charged with the combined duties of prayer organization, policing and judicial

1. Tabari II p. 1138.

2. Tabari II p. 1507.

administration. On the whole the actual number of officials was small for mostly the tribal chieftains and village headmen were held responsible for maintaining law and order and for enforcing the payment of taxes¹

At first, the diwans or tax registers were in nonarabic language² but 'Abdul Malik ibn Marwan changed it to Arabic.³ The officials of old regime were reinstated in their jobs. In Egypt for instance, the actual work of financial administration was carried on by the copts. Non-Muslims were thus appointed to government posts and offices. They were appointed by the head of the Department of Finance although immediately after the conquest the appointment was made directly by the khalifa.

The provinces were under the charge of the governors or Walis who were appointed by the governor-Generals. Their duties were extensive. They were incharge of the political administration. Which meant military affairs and leadership of public prayers. Sometimes, special dignitaries were appointed to lead the public prayers.

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1. E.g. In Khurasan each township was allowed to choose its own representatives who were responsible to it for its government - Tabari II p 1481.
 2. E.g. In Syria the tax lists remained in Greek. At Kufah and Basrah there were two registers-one in Arabic which kept the accounts of the Arabs and their salaries and pensions and the other in Persian for the purpose of revenue due from the native inhabitants - Jah Shiyari p.17
 3. Jah Shiyari p. 17.

The Judicial System:

Non-Muslims were allowed autonomy under their own religious heads. As such the judiciary had to do with Muslims alone and judges were found only in large cities. They settled the disputes among the Muslims and their dependents. In the beginning they were quite independent of the governors and were appointed and removed by him. But later on when the empire grew in extent the governors appointed and dismissed at will judges in their province. They were recruited from the jurists and faqihs who were noted for their knowledge of the Quran and the Hadeth. Besides deciding cases they administered endowments or waqfs and the estates of orphans and imbeciles.

The non-Muslim received justice when it was due e.g. when a christian complained to Khalifa Umar ibn Abdul Aziz that Hisham - one of the relations of the khalifa had robbed him of an estate, he (i.e. the khalifa) commanded Hisham to restore the seized property and destroy the documents with which he had bolstered up his claim. The Qadhi had large measure freedom in deciding cases. Sometimes he wrote to the Khalifah for elucidation of certain points view.³

1. Ibn Athir V. p. 106.

2. Goeje p. 60 quoted by Levy Vol. I. p. 379.

3. E.G. in the days of Umar bin Abdul Aziz 'Iyad bin Ubaidullah - the Qadhi of Egypt wrote to him seeking guidance on the ~~xx~~ right presumption disputed between a neighbour and a partner and Umar decided that the ~~part~~ partner had a greater claim than the neighbour.

The Military System:

The Umaiyyad army was modelled in its general organisation on that of Byzantium. The division into four parts centers or Qalb, two wings the right or Maimanah, the left of Maysarah, vanguard or the Muqaddma and rearguard or Saqah¹. The cavalry used plain and rounded saddle like those of the Byzantine army. The heavy artillery was represented by the arrandah or the ballista the mangonel or the manjaniq and the dabbabah and kabash or the battering ram². These heavy engines and siege machines together with the baggage were carried on camels behind the army.

The forces kept at Damascus were chiefly Syrians and Syrianized Arabs. Kufah and Basrah were the main recruiting centres for the army of all the eastern provinces, and were established as garrison cities with 60,000 and 80,000 under Ziyad³. Hajjaj ibn Yusuf used compulsion. In A.H. 80, he raised a compulsory levy of 20,000 men from each of these two garrison cities for the reinforcements of the armies advancing into persia⁴. These years later he required another 20,000 men from Kufah for the campaign in Khurasan.

1. Tabari II p. 1941.

2. Eg Muhammad ibn Qasim had set up a mangonel at the siege of Daybul in Sind - Balazuri p 437.

3. Balazuri p. 350.

4. Mubarrad p. 216.

He announced that he had been cammanded to pay stipends to men who were enrolled and he would put to death those who delayed joining the force for more than three days after the receipt of their pay.¹ He had already raised troops under compulsion against the kharijis.² Thus compulsion compulsory military service was resorted to.³ The troops owed allegiance directly to the sovereign. In order to ensure a constant supply of warriors, the Umayyads gave subsidies to various tribes.⁴ They came up for service when called upon and could be compelled if they held back.

In addition to these there were others who served the army in return for special grants in cases of need and still others who were purely volunteers or the mutatawwia who joined the army out of zeal for their faith.⁵ They could make terms with the khalifa with regard to the period of their service.

The pay of the troops engaged in the various

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1. Tabari II p.890,930,948.
 2. In 94 A.H. Qutaybah compelled the inhabitants of Bukhara, Kash, Nasaf and Khuwarazm to supply him with 20000 men whom he despatched to Shash.
 3. The first four Umayyad khalifas received a standing draft of 2000 men from the Qahtan confederacy of tribes in Syria. In return they paid two million dirhams each and granted complete independence in the management of the internal affairs of the tribes. Muruj V p.200
 4. Tabari III 9. 492. ^{Handwritten}
 5. ~~Ibn Athar V.~~
 6. ^sMaqrizi 'Khitat' I p. 94.

provinces was regarded as the first charge on the local revenues. In Egypt in Muawiyah's days there were 40,000 men who received 200 dinars annually so the khalifa received from this province a comparatively small surplus of revenue. He appointed an Arab official for the sole purpose of enquiring into arrivals and departures of the soldiers. In Syria the capital province each district or jund had its garrison which was paid from local taxation.¹

The Arab navy was an imitation of the Byzantine model.

Annual raids were carried on against the Byzantines by sea as well as by land. The naval ^{base} from which the fleet set out ~~e.g.~~ ^{were} Egypt, Anatolia, Africa. The crews were raised by conscription in the same way as the armies in the various territories subjugated by the Muslims. They were drawn from the classes of the community which supplied the ordinary drafts and trades and like the soldiers they received pays and an allowance for food.

In 717^{A.C.}, the Muslim navy numbering 1800 vessels was routed by the Byzantine navy.² Prior to this it had

1. Tabari II p. 1314.

2. Balazuri pp 163-71.

dealt severe blow to the Byzantine navy and had taken Cyprus and Sicily on account of its supremacy. The Umayyad Khalifas established military stations and garrisons and strategic fortifications were built on the frontiers.¹ Soldiers posted at these places received regular annuities and family pensions and were provided against war risks. Kufa, Basra, Fustat & Qayrwan were the main military contingents. In every newly conquered territory, the Umayyads choose a strategic town for stationing the army. Where such towns did not exist a strategic spot was selected and the Muslim soldiers camped there with their families. These camps were soon converted into prosperous towns.² The formation of troops was in tens, hundreds and in thousands. Over every ten men there was a Amirul Ashrah or Al Arif, over every hundred and in some cases over every fifty, a deputy or an Naib; over every ten naibs commanding in all one thousand men, there was a Qaid and over every ten formed a squadron and ten squadrons formed a cohort or Kurda.

The army was composed of infantry, cavalry, a service corps and a party of Naqqabin whose duty was to effect breaches in the walls of the enemy's forts under the protection of dabbab. A number of civil officers viz.

1. Balazuri pp. 163-71.

2. Balazuri p. 15.

the pay master, the treasurer, the interpreter, the reporter, the mentor and the Qadhis were attached to the army.

The army used to march in the battle in formation 'in-attabiyad' after every day's march the soldiers used to pitch their camp.

The camp sites were carefully chosen by a specially appointed official and the camps were protected by barricades. As an additional precaution in enemy territories the soldiers stood to arm on their proper formation to repel any surprise attack.¹ The camp looked like a small town with streets and markets.

In the matters of transport, the Umayyads had one marked advantage over their adversaries while the Byzantines and others used camroom methods of transport, the Umayyads transported their soldier, luggage, supplies and even siege engines on the back of camels. This was safer and the victories of the Umayyads were due to this as well.² The camel won the victories of Islam. Heavy artillery and siege engine were used. e.g. the machine 'Al 'Arus' was used in the siege of Daybal in Sindh.³ The manjaniq and the arradah for hurling stones on the besieged towns were also used by the Umayyad armies.⁴

1. Tabari III p. 335.

2. Kremer 'The Orient under the Caliphs pp. 332.

3. Balazuri p. 437.

4. Ibn Athir VII p. 98.

Whenever the Umayyad armies besieged any town they kept up a constant attack giving no rest to the and tried to breack the walls with the help of powerful stone-throwing machines and through the use of the dabbabah which concealed in it the naqqabun with picks and drills Sometimes a battering ram of Kabah was also used. They used to take part by storm. Often they swam across the moat as every soldier had been taught to swim.

Lances, bows, arrows, double-edged swords, battle aces, long shields covering the whole body were used by the Umayyad soldiers. The soldiers wore helmet to protect the heads and shirts made of leather with several folds, often over-laid with a brest plate to gyard the body¹. The hands and legs were in cased in iron. Sometimes slangs were also used².

The Umayyad armies were in no way behind their contemporaries in matter of weapons. They came in contact with the other nations inhabiting the continent of Europe, Asia and Africa and adopeted what was best in their weapons and equipments.

Over & above these material weapons, the greatest weapon of the Muslim soldier was his faith and determination. He firmly believed in the righteousness of his cause, possessed an excellent moral and fought courageously & skilfully

1. Tabari I. p. 1315.

2. Ibn Athir III p. 245.

with little regard for their life and this explains this reason for his victory.

According to the Umayyad strategy, the infantry was best suited to withstand the onslaught of the enemy and the cavalry was the best fitted for attack. This in all their battles a combination of the infantry and the cavalry was used. The Commander-in-Chief co-ordinated the effect of the various squadrons. The battle order was usually a long square which was difficult as it afforded the greatest advantage for defence. Great care was taken to keep the battle formation intact.

With all his courage and disregard for like the Umayyad soldier was circumspect and skilful.

Policing.

The actual duty of maintaining order amongst the subjects of the realms devolved upon the officers appointed by the khalifa. In each city there was a rais or chief of the police who was held responsible for its orderly conducts. It was his duty to know what had happened in his District.

In the Capital a body of troops was kept by the khalifa for his own protection. They could be trusted not to be influenced by local intrigues and remained loyal to the khalifa. They were known as the shurta and came to be regarded as the police force. Similar bodies of the shurtas were kept in other main cities, the headquarters or provinces in which governors or other high officials resided. In smaller

places there was the Mauna force which had similar duties.

The officer in charge of the police force was the Saheb us Shurta or Saheb al Maunas. He was the officer charged with the policing of the city. He made nocturnal rounds for the purpose of suppressing malefactors. Each day he received from his subordinates the reports of happenings in the city and compiled a written report of them for the khalifa. His duties were concerned with the law. He had to repress crime, investigate offences committed and punish those guilty of them. He decided cases in accordance with 'Urf' or the customary law which had sprung up in every province and which was concerned with the material welfare of the state.

He had longer powers than the ^{Qasbi} Qasi. He represented the executive authority. He could go outside his court for investigation of crimes reported and extract confession by force from the accused. He could act on the reports of the subordinate officers about persons suspected of crimes. In cases of any doubt, he could also take into consideration their previous character and could imprison them, in order to make investigation about them. He could also imprison for life a habitual criminal or one whose crime inflicted great

1. Ibn Khaldun 'Muqaddamat' I p. 400, II, p. 30.

2. Eg. 'Abdur Rahman ibn Ubaid the Sahebul Shurta of Kufa transfixed the accused with manqiba or a piercing instrument if he was a naqib and buried him in a grave if he was a digger and if he had attacked Umayyad regime as well or threatened another with short weapon he cut off his hand - Ibn Qutaibah 'Uyun' p. 33.

hardship on the community. He could accept the evidence of the Zimmis and also could hear complaints of the assaults for which the penalties were legally specified. Such was the efficient arrangement of policing and people were so much law-abiding that often a period of forty nights passed without a single criminal being brought before the Saheb-i-Shurta.

The institution of Ihtisab- The Institution of Ihtisab had come into existence as early as in the days of Umar the Great. It existed in the maintenance of law. It was to see that the religious moral precepts of Islam were obeyed. The Muhtasib was the officer-in-charge of this institution. He was appointed by the khalifa. Free Muslims of a respectable character were appointed to this office. He was a legislator and in addition to his specifically police duties performed the duties of magistrate. His jurisdiction was limited to matters, fraudulent sales, and non-payment of debts. When the truth was not in doubt he tried cases summarily in these matters. When the evidence had to be sifted and oath to be administered he referred the cases to the Qasbi. His functions were mainly those of a censor. He had the power to enforce right dealing and prevent wrong doing on his own initiative. He had to see that the Muslims did not neglect to offer the Friday

Prayers in the mosque. He was also charged with the duties of calling attention to those mosques which were not in the care of private individuals. He checked persons who contravened the religious law. Such as those who did not keep fast in the month of Ramdhan. He first enquired the reason for contravention. It was also his duty to see that widows and divorced women observed the sacred law with regard to period of 'Iddat before remarrying. The actual doctrines of Islam and the spiritual welfare of the faithful were also under his care. If a person regularly engaged in the study of theology propounded views which were contrary to those agreed upon by Ijmas he had the power to check him. Persons who misled the people by suddenly engaging in the study of law were also prevented by the Muhtasib from this pursuit. This was a device to stop the spread of innovations against the established law. He visited the schools and saw that the teachers did not beat the students too severely.

Public morals had a large share of his attention. He had to see that man did not consort with women in public. He chastised those who appeared on road in a state of drunkenness. He also prevented wine drinking in public and the playing of musical instrument. He could take action only about those offences which were committed in public.¹ He

1. Ibn 'Ad V 5 p.290, Ibn Jam' 'Sirat 'Umar bin 'Abdul 'Azis p. 80.

prevented frauds of all kinds in market and other public places. He had supervision over all traders and artizans in the market. His assistants patrolled every day. Cruelty to servants and animals either by underfeeding or over-burdening with tasks beyond their powers also came withing his cognizance. He was also charged with public amenities. If walls ^{threatened} collapse or there was no provision for poor wayfarers or the source of drinking water was fouled, he could order the townsmen to rectify matters. If any one built a house or other building, the Muhtasib had to see that it did not encroach on a frequent public thoroughfare and any encroaching part of that building was demolished. He had further to ensure that no house had projecting rain spouts or open drain pipes which might drench wayfarers in the street.

The Financial System.

Under the Umayyads the main resources of revenue were as follows and were more than those under the Khilafat-i-Rashida.

1. Khums
2. Zakat
3. Ushr
4. Jizyah
5. Kharaj
6. Ushar on merchandise.
7. Fay

8. Tribute under treaties.
9. Additional imports in kind.
10. Presents on the occasions of festivals
11. Child tribute from Berbers.

The umayyad Khalifas did not introduce any change in the rules of Zakat for these were fixed by the nas or the Quranic text and as such could not be changed. While awarding pensions for the year¹ This can be compared to the deduction of modern income tax from the salaries of Govt. servants² The difference between the two is this that the income tax is levied on the government servants salary while the Zakat was not levied on the current annuity. It was levied after defraying all his expenses if the pensioner or stipend holder saved more than 200 derhams which remained with him for one full year.

Ushr was the tenth or the one-tenth of the produce of land collected from Muslim landowners. Two categories of land existed since the days of the Prophet - the Ushr land and the Kharaj land. The income of the state from the Ushr land was only one-tenth of the produce or less and that from the Kharaj land one half. Under the days of Umar I, all

1. Yaqubi II P. 276.

2. Kremer P. 187.

all Muslims were given state pensions or stipends and were forbidden to acquire any more land. But the Umayyads Khalifas with the exception of 'Umar II who followed Umar I reversed this policy. They carved out huge estates from the Kharaj lands for themselves and their favourites,¹ and thus caused considerable loss to the revenues of the state. When some of the Khalifas wanted to put an end to this practice, those Muslims who wanted to acquire lands or estates suggested that they would give the land tax as paid by the non-Muslims. According to the practices of the Prophet and the pious Khalifas, Kharaj was not to be collected from the Muslims for it was a form of tribute to be levied from the non-Muslim subjects yet it was realized during the Umayyad Khilafat for some Muslims were prepared to pay it. Moreover as the system of pensions or stipends had ceased to embrace all the Muslims, it was felt that the Muslims should be permitted to acquire lands and the old kharaj was collected from them under the name of 'Ijara or the lease money'. Thus the simple & clear rules enunciated by the second Khalifa of Islam were completely given up. 'Umar II went back to the joint property of the Muslim community and prohibited the sale of this category of land to Muslims.²

Though inspired by the best of intention his policy failed. It diminished the revenues of the state and increased the number of clients in cities. Many ^{of} Berbers

1. Balazuri pp. 148, 290 & 294.

2. Kremer p. 209; Ibn Sad Vol I pp. 262, 277; Yaqubi II p. 369

and persons embraced Islam simply to enjoy the pecuniary privileges thus accorded them.

The other items of regular tax did not give birth to any special problem under the umayyads.

The Umayyad Khalifas with the exception of Umar II resorted to unauthorized exactions and extortions of money E.G. in Egypt extra taxes were levied on each district and the chief of the district was made responsible for their delivery. These extra taxes consisted of articles in kind such as material for ship-building or implements.¹ These taxes were borrowed from the Byzantines.

Under the Umayyads the officials accepted presents on behalf of the Khalifas on festive occasions like the wauraj and weddings. Beside a certain customary fee were collected whenever the lands of a peasant were supplied with water and this was called ujural futuh.²

A sort of stamp fee was collected on paper used for writing documents. Most of the officials expected such presents from the people.³ One of Muawiyah's viceroys in Iraq received on Nawruz presents worth one crore derhams.⁴ This too was borrowed from the Persians and Byzantine empires Umar II abolished these.⁵

1. Maqrixi 'Khitat, p. 7.

2. Kremer p. 212.

3. Yaqubi II p. 259.

4. Abu Yusuf p. 49.

5. Balazuri p. 73.

Although Islam discouraged slavery, the institution of slavery existed. The conquests during the Umayyad Khalifas made the Arabs richer and more luxury living. There was a great demand of slaves. Therefore the Umayyad armies took as many as one lakh slaves.² The Umayyad Khalifas and princes kept thousands of slaves. So slave purchasing expeditions were sent to foreign countries. The Umayyad Khalifa resorted to levying a child tribute on the Berbers.³ This was wholly against the teachings of the Prophet hence the saintly Umar II who wanted to go back to the days of the Prophet and Khalifa-Rashadin abolished it. The revenues were under Sahibul Khiraj who was responsible directly to the khalifa. It was another instance of the application of the principle of the separation of powers in the Umayyad rule.

The origin of this office of Sahib al Khiraj dates back to the days of Muawiyah who sent the first such officer to Kufah. Previously the provincial governors looked after the financial administration as well.

The revenues of the state was derived from the same sources as under the khilafat-i-Rashida with the only difference

1. Ibn Athir IV p. 448.

2. Ibid IV p. 454.

3. Balazuri p. 237.

that the neo-muslim had also to pay the jizya.

In the provinces all expenses of local administration, soldiers' stipends, state annuities and miscellaneous services were met from the local income and only the balance was sent to the Baitul Mal i.e. the Central Treasury. No Muslim whatever his nationality may be was under obligation to pay any tax other than the zakat. Many new converts particularly in Iraq and Khurasan took advantage of this privilege. They left the villages where they worked as agricultures and flocked to the cities. They hoped thereby to join the army as Mawalis. This constituted a double loss to the Treasury for at conversion their taxes were greatly reduced and upon becoming soldiers they became entitled to a special subsidy. Hajjaj took a steps to restore such men to their farms and re-imposed on them the tribute they paid¹ before conversion which included the land tax and Jizya. The Caliph Umar II tried to remedy the resultant dissatisfaction among the neo-muslims by re-establishing the old principle of Umar the Great that a Muslim whether Arab or Mawali need pay no tribute whatsoever and insisted that the kharaj levied was the joint property of the Muslim community. He further prohibited the sale of kharaj lands to muslims and declared that if the owner of such land embraced Islam his property should revert to the village community and he might continue² to use it as a leaseholder.

1. Ibn Sad Vol. V p. 252.

2. Ibid.

But this policy was not successful. It went to diminish the revenues of the state and increased the number of the mawalis in the cities. Many non-muslims embraced Islam only to enjoy the pecuniary privileges thus accorded them. Umar's successors abandoned his fiscal policy and adopted the system of Hajjaj with minor modifications. The principle was laid down that the responsibility to pay kharaj did not fall off with the acceptance of Islam while Jizya was remitted. Since the jizyah was a comparatively small item the treasury continued to receive its main income from the Kharaj. Before Umar II the share of the relatives of the Prophet out of Khums was not paid and this was used for Military purposes.¹ Umar II paid this to the Hashmites.² Non-Muslim citizens. The Umayyad capital was surrounded by a christian population. Other parts of the empire were also inhabited by non-Muslims.

They paid the Jizya and the land tax and enjoyed a wide measure of toleration. In matter of civil and criminal judicial procedure, they were under their own spiritual heads and enjoyed judicial autonomy. The zoroastrians of Persia, the heathens of Harran and the pagan Berbers all were termed as Ahl-i-sinma or the people of covenant.

Throughout all Syria the christians were well treated and appointed to high posts. Sarjun a christian was Secretary to Muawiyah-the first Umayyad Khalifa.³

In Egypt the Byzantine officers were retained.

1. Abu Yusuf P. 12.

2.

3. Maqrizi Vol II p. 125.

4. Tabari II p. 283, Kurd Ali, 'Khutut-us Sham' Vol I, P. 143.

Ibn Uthal-a Christian was appointed by Muawiyah as the financial administrator of ^{Hemis} Hemis. Marwan appointed Athanasius as the head of the government offices in Alexandria. He was treasurer to Abdul Aziz up to the time of Hajjaj christians had been secretaries, prefects and governors of districts.

II
Umar Ibn ~~Azis~~ tried to prevent the appointment of non-muslims to high posts and political offices. He instructed his governors not to assign these offices to non-muslims. This he did with a view to check their power. Had he not done it the christians would have dominated the state and would have become a menace to the Muslim State. They would have been of immense help to co-religionists - the Byzantines who were hostile to Muslims. Coptic Officers who dominated the government department were removed and replaced by Muslims in Egypt. Sulaiman appointed Al Batich b Naka - a christian as overseer of his construction in Raula, water channels, wells and a mosque.

In Egypt christians clerks were appointed to assess the land tribute.

The non-muslims enjoyed the right of building their places of worship. Walid I had taken the possession of the church of St. John in Damascus. Umar II ordered the

1. Tritton pp. 5-35.

2. Ibid Ibn Janzi P. 100; Ibn Athir V P. 49;

governor of Damascus to return it to the christians. As a result of further muslim representations, it was agreed that the christians should get the churches in the Ghuta and give up all claim to St. John as it had been converted into a mosque.

Muawiyah ordered that the great church in Edessa which had been thrown down by an earthquake should be rebuilt.¹ Umar II commanded his governors not to destroy existing churches.

At Kufa, Khalid al Qasri built a church for his mother behind the mosque in Kufah.² This shows the toleration under the Umayyad rule.

In the church organisation the christians enjoyed perfect autonomy. The bishops used to choose their patriarch and their choice was usually approved by the governors. Some times the khalifa used his discretion and did not allow the appointment of the patriarch. For instance when the patriarch of Antioch died the Khalifa Walid did not allow the appointment of the other.

The bishops possessed the right of appointing the petty priests but it was subject to the approval of the khalifat. Any one who neglected to secure the khalifa's favour was treated as a rebel. The head of the christian community had not the right of putting any one to death or flogging. He could only fine or ex-communicate.

1. Tabari II p. 283.

2. Ibn Khallikan I p. 32.

The jews inhabiting the lands of Islam were not few or unimportant. At some places they were in large numbers. They were traders, craftsmen, doctors, and civil servants. They were not always on the best of terms with christians. Muawiyah was the first to realise that they might be relied on the support him against the christians. So he settled them in Tripoli as soon as he had captured it. Same was done in Spain. When Walid incorporated the church of St. John into the mosque of Damascus he summoned the jews to do the work of destruction. But they did not fulfil the expectations of the khalifas everywhere. Only in Syria and Egypt ill-feelings existed between the two so the Muslim rulers were successful in their policy of playing off the Jews against the christians.

The jews, too, enjoyed religious autonomy. They also paid Jazya and enjoyed the protection of the Muslims.

Magians also inhabited the territories of Islam. Treaties guaranteed them the free exercise of their religion. They kept their own marriage laws. In some respect however were inferior to the people of book. For instance the blood money for killing a Magian was much less than for the other zimmi. No Muslim could marry one of their women.

Muawiyah took care to keep peace between his christian subjects. He often visited the Bombs of Mary and prayed at Golgotha and Gethseman. He bade the Jacobite bishops to be at peace with the Maronites and made it a custom that they

should pay him a sum of 20000 dinars annually so that they might not be persecuted by the orthodox church. He was the protector of the Christians.

Conversion or change of religion was a bar to inheritance. If the child of a zimmi turned Muslim, he lost his or her share of the father's property. When a zimmi turned muslim he surrendered his real property. He abandoned his house and land to the community and retained only his personal property. When tribute was levied on him his land was regarded as the property of the state.

The christian visited Mecca and Medina under the Umaiyyads. Thus Abu Hakam - a christian accompanied Yazid when he led the pilgrimage during the reign of his father Muawiyah. 'Abdul Malik sent a christian engineer to build dams in Mecca to ward off flood. In 87 or 88 A.H. Walid sent 80 Greeks and coptic masons to rebuild the Prophets' mosque.

They went into the mosque freely for instance Al Akhtal-the christian poet acted as arbitrator for the tribe of Bakr b Wail and performed his duties in the mosque. The zimmi took their laws suits to the Qadhi in the mosque.

If a muslim murdered a zimmi he could be put to death but blood money could also be paid. It was charged from the murderer. Thus Muawiyah made the Banoo Makhsoom pay 12000 dirhams for Ibn Uthal-a zimmi. Half was paid into the treasury and the khalifat kept the other half for himself. This was the custom with blood money paid for the zimmi. 'Umar II gave up the share of the khalifa. The relatives got the other half. He fixed the blood money for the zimmi at 5000 dirhams. Sometimes Muslims were executed if they murdered a zimmi and bleed

money was not accepted. If a muslim were killed in a country inhabited by zimmi they had to pay the blood money in case the murderer was not traced.

If a non-muslim after embracing Islam again changed his religion usually death was the penalty in accordance with the quranic injunctions.

The Zimmis fought under the banner of Islam. E.g. the Jaram of Syria fought in the muslim ranks. Marwan ibn Hakam enrolled 200 christians of Aila as police to keep order in Madina. The Christian tribe of Taghlib carried on war with their neighbours. In Egypt under the governorship of Hafe many of the natives were enrolled as soldier of Islam. Umar II too permitted the zimmis to join the Muslim army. The zimmis could buy any slave-muslim or non-muslim alike.

For the protection of their life property and honour they, non-muslims had to pay the jizyah or the poll-tax. After paying the tax they came under the protection of the Muslim state. In the new lands conquered by the Umayyads generals, the non-muslims were required to pay the jizyah. It was graduated from two or one dinar in lands with a gold currency i.e. Syria and Egypt while where silver was current dinar was reckoned at 12 dirhams e.g. in Iraq and Persia. The monks, the children and women did not pay the jizyah.

Umar I had instituted taxes on trade. The rate for a zimmi were 5% and for a foreigner 10%. It was paid once a year only. The Umayyad Rulers continued this practice. The tax on slaves was 10 dirhams and on horses and on camels 8. Umar II made 10 dinars the minimum for a zimmi. Before him it was 20 dinars. A Zimmi wine merchant had to have his goods valued by two other zimmis. If a zimmi's debt equalled the value of his good, he had to pay nothing.

Officials known as controllers were appointed incharge of the taxes on trade. Rabi'a b Shurhabil¹ held the office in Egypt under 'Amr b 'As and Zuraiq b Hayyan under 'Umar II.

As such 'Umar II who tried to follow the footprints of the orthodox khalifas abolished these dues but they were again reimpose by his successors.²

Those non-muslims who owned or tilled land had to pay the Kharaj or the land tax.

The method of execution of these taxes was not severe. Considerable latitude was allowed to the subjects in the payment of taxes. At times relief was given. Land Tax could be paid in instalments.

Instructions for the collection of jizya were issued to guide the collector. He was to collect it without violence or flogging. The zimmiis were not required to sell their cattle, asses, or sheep to pay it. Payment in kind was allowed. Carcases, wines and pigs however were not accepted.³

1. Balazuri p. 73.

2. Tritton pp 5-35.

3. Balazuri p 73.

The non-muslims used to present presents to governors on festivals particularly on the occasion of Nauroz or New years Day. As it was open to gross abuse Umar II stopped it.

On the whole, the Umaiyyads treated non-muslim subjects generously. Most of the subordinate posts were held by them. The khalifas were always anxious to help them. Once Umar II ordered that the surplus cash in the Provincial treasury should be distributed among the needy zimmis after the needs of the Muslims had been satisfied.¹ They built their places of worship in purely Arab towns. Christians found guilty of misconduct with muslim women were only fined and not put to death. Jews and christians were already found in the government services. Sometimes they held the highest posts. They could also amass wealth.

The institution of symbolism of Khilafat Another notable addition to the political institutions was the institution of symbolism. For the first time some symbols of the Khilafat were introduced in the mechanism of the Muslim state. Prior to the Umaiyya-da no symbol of the khilafat existed. The khutbah was the most important institution. It was the address that was delivered to the

Dr. Fauzi
1. The Jamho p 100.

congregation from the ^{minbar} number or pulpit at the time of the public worship. It was often a political pronouncement quite in keeping with the practice of the Prophet. It might be described as a speech from the throne. But as the Islamic state had extended far and wide and in the capital too, there were a number of mosques so the khutbah could not be an address to the whole body of muslims. Under the umayyads it was a sermon repeated by the Imam. It retained something of its old political importance in as much as it generally included a prayer for the reigning khalifa and the substitution of a new name announced the accession of a new Khalifa. The inclusion of the name of the one in the Khutabah, its pronouncement by the Imam in the course of the Friday and 'Id prayers indicated his recognition as the khalifa. It thus became a symbol of khilafat.

The coinage was another symbol of the khilafat. Credit goes to Abdul Malik of striking silver and gold Arabic coins.¹ It came to be regarded as an essential symbol of the authority of the khalifa. The succeeding khalifas too, struck coins.

The ring, the cloak of the Prophet and the club or the staff were the other symbols of the Khilafat.

1. Al Fakhri p 110.

When any khalifa ascended the khilafat he wore the cloak of the Prophet and carried the staff. It was done with a view to clothe the khilafat with sanctity. The Prophet and his immediate successors kept a ring. Muawiyah and all his successors also kept it. It was the royal seal. He affixed it to royal orders and State documents.¹ A department known as the diwan khatam was established. The officer in charge of this department was the Lord Privy Seal of the State.

Foreign influences. The umaiyyad rulers were the neighbours of the Byzantine emperors. They borrowed a lot from them. Muawiyah-the founder of this dynasty built a stable and well-organised state on the Byzantine frame-work.

The Byzantine empire was dynastic and hereditary. Usually the son succeeded the father. The dying emperor often nominated his successors. Sometimes he designated his successor in his life time and the Senate confirmed his choice. The Byzantine empire too was no longer democratic. The Senate was bereft of its power. Muawiyah

1. Al Fakhri p 97.

changed the character of the Islamic state under the Byzantine influence. The Khilafat became mulk or an empire and did no longer remain khilafatul Nabuwah (the prophetic or theocentric khilafat) He wanted to avoid bloodshed and civil war among the muslims. He had no difficulty in establishing his authority in opposition to a person like 'Ali's eminence and influence. So he felt that his family alone could rule and carry the Arabs with it. That was why he devised the plan of designating his son as his successor in his own life time and thus introducing the hereditary principle.¹ He borrowed this principle from Byzantium his immediate neighbouring power. His successors, too, followed him. Khalifas were designated by them and the oath of fealty was taken. The regularity of their sequence is all the more astonishing when it is realised that in five cases i.e. less than half in the whole ummayyad period father was succeeded by son. Hereditary instinct was so strong in the empire that nephews and brothers of the cousins were designated as khalifas and they were gladly received as legitimate heirs. This hereditary instinct was borrowed from the Byzantine empire.

Luxuries and pomp and show had also crept in the khilafat. The khalifas led a luxurious life. They built

and lived in magnificent palaces. They put on fine garments. Chamberlains and body-guards and personal attendants were appointed. The old simplicity of the orthodox Caliphs - a characteristic of the Islamic State was abandoned. In early Islamic state every one had a free access to the khalifa but under the Umayyads this was not the case on account of the Byzantine influence. Persons of position and influence alone could interview the khalifa. Court etiquette copied from the Byzantinian were drawn up. Inside the mosque the Maqsurah or a sort of bower was reserved for the exclusive use of the khalifa. This was also an imitation of the Byzantine practice of building special gallery for the emperor in the church.

From the first foundation of the Byzantine empire, the rivalry of the Blues and Greens was one of its most striking features. Persons of all ranks and professions chose their colour and backed their faction. These factions interfered more and more in politics and in religious controversies. The ^{Blues} Blues posed as Partisans of the house of Justinus. The emperor often sided with one or the other faction. He found in his interest to play off the one against the other.

The Umaiyyads followed their neighbours in this respect as well. Jealousies and rivalries had sharply divided the southern and northern Arabs. It was Islam which had united them. But the old rivalries had been revived after the assassination of Umar I. Mu'awiyah tried to control it. The southerners or Yamanites who had settled down in Syria were his chief supporters. So Mu'awiyah patronized them but he was cautious enough not to antagonize the northerners or the Mudharite. He so much trusting of them and doubled their stipends. The khalifas used these rivalries and jealousies to suit their personal ends.

Yazid-son of Abdul Malik adopted antiyamanite attitude and put to death Yazid Ibn Muhallib who belonged to the southerners. With a view to eliminate the Yamanite who dominated the realm he appointed his brother Muslim and Umar b Habbaira as the walis of khurasan.

Keen rivalries between the north and the south came to the forefront and hastened the fall of the Umaiyyads.

The institution of Barid or postal service was

borrowed from the Byzantine empire. Mu'awiyyah was the first to establish this institution.

Similarly the institution or bureau of registry was borrowed from the Sassanid empire. Ziyad Ibn Sufyan the eminent politician of the day suggested its establishment to Mu'awiyyah².

Tarraz or the name of particular emblems embroidered on royal dress was also borrowed from the Byzantine and Sassanid emperors¹ who wore gorgeous garments containing the impression of the name of their photos. Abdul Malik was the first muslim ruler to impress upon his garments and robes his names or other blessings or benediction in Arabic script.³

Umayyad rulers modelled their armies after the Byzantine system in general organisation. The division was into five crops: Centre, the two wings, vanguards and rear guards. The formation as of old was in line. This system continued until the time of the last Umayyad khalifa. The army used essentially the same weapons as were used by the Byzantine army. The cavalry used

1. Al Fakhri p 97.

2. Ibid.

3. Ibid.

plain and rounded saddles like those of the Byzantine cavalry.

The Navy was nothing but an imitation of the Byzantine navy.

The captured (captive) Romans were employed in building ships. The Arabs learnt the art of equipping the fleet, launching it on the sea, of naval warfare and the art of ship building from them. Factories for building the ships were opened in Tunis, Egypt and other coastal areas of Mediterranean in the time of Mu'awiyah², Abdul Malik and Walid¹.

The provincial administration too was based on the Byzantine Model. The empire was divided into five viceroyalties. These were like the Prefectures of the Byzantium. These were further sub divided into provinces ruled by governors. An elaborate hierarchy of subordinate officers existed. It was just like the Byzantine Prefect was in charge of conscription of recruits and other military affairs. He issued edicts and decrees to the governors.

The most remarkable feature of Byzantine criminal

1. Husunul Mu'adhirah Vol 21999, P.199

Futuhul Bulden p 144.

law was severe punishment. In dealing with the rebels the Umaiyyad khalifas and their Agents also resorted to severe punishments. Eg. Hajjaj b Yusuf was notorious for his sternness. He severely put down all revolts and punished the insurgents most severely. Confiscation of property was another frequent form of punishment borrowed from Byzantium.

There was a severe system of taxation in Byzantine empire. Some Umaiyyad governors were also very severe in the realisation of taxes. Hajjaj Ibn Yusuf was one of them. Umaiyyah the son of khurasan was another.

The Byzantine fiscal system continued to exist with a few changes. The Roman officials were reinstated in their jobs. It was only when Abdul Malik ascended the khilafat that the process of Arabicising began and Arab officials were appointed to transact the business in Arabic.

Talented military commanders were often removed from commands, and were suspected. They were not allowed to become rivals to the Khalifa. Thus Yazid Ibn Muhallib, Ibn Qutaibah & Musa - the brilliant military generals were removed from military commands. It was nothing but an imitation of the Byzantine emperors who also never trusted their generals and freely removed them from commands.

Political Parties and conflicts.

Four political parties existed on Muawiyah accession to the khilafat. (1) The Shian-i-Ali or the Partisans of Ali. (2) Shian-i-Bani Umayyah or the supporters of the Umayyads. (3) The kharijites. (4) The supporters subair and his sons.

The Shian-i-Ali or the Shias advocated hereditary principle. According to them, khilafat belonged to Ali and his descendants alone. They were the legitimists of the day. After the assassination of Ali, Hasan his eldest son was their choice. But he was betrayed by them. Consequently he abdicated in favour of Muawiyah. Muawiyah then became the acknowledged khalifa. But Shias condemned Hasan's action. As long as the powerful Muawiyah lived they (Shias) kept quiet. He adopted a conciliatory policy towards the chief Shia leaders by giving them large amount of money. He tried to disarm them, and shame the apposition. His hilm or slowness to anger left him under all circumstances master of the situation¹. That was why the shias remained quiet in his long of 20 years.

The assassination of Uthman and the civil wars in the time of Ali had suggested to Muawiyah that a

1. Yaqubi vol II & 283; Al Fakhari p 94.

dynastic system based on filial succession was the only scheme which could endow the new-born empire with political stability. He considered that his house alone commanded the influence needed for khilafat. As soon as the external and internal affairs of the state were sufficiently calm he nominated his son Yazid as his successor.

Besides the capital Kufah, Basrah, Mecca and Madina were the main political centres of realm. Anticipatory oaths of allegiance were executed from the residents of both Kufah and Basrah through the influence and manouverings of the two astute politicians of the time, Mughirah and Ziyad. Kufah was the chief centre of shias but not a single voice of protest or objection was raised against this Bai'at.

At Medinah this proposal met with a strong opposition. Husain- Ali's second son, Abdullah Zubair's son - Abdullah - Umar's son, Abdullah son of Abbas, and Abdur Rahman - Abu Bakr's son were the leaders of this opposition. They did not like any departure from the methods of Abu Bakr and Umar. Each one of them - especially the first two counted on a considerable following.

1. ~~Takari-VII~~ Syut. "Tarikhul Khulfa 56, 57;

Ibn Athar IV p. 423.

This innovation of Byzantine and Persia was turned down by these advocates of orthodoxy. Even Muawiyah's arguments failed to bend them to his will. But this opposition did not materialise in any revolter rising.

These accredited leaders of Hijaz refused to swear fealty to Yazid when he succeeded his father for he did not possess the requisite qualifications of a khalifa. Yazid bade the governor of Madinah to arrest them and obtain their allegiance. Both Husain and 'Abdullah Ibn Zubair escaped to Mecca. Meanwhile Kufah the strong hold of Shias again became the centre of the anti-ummayyad forces. The Kufians declared Husain as the legitimate khalifa and begged him to come to them and declare himself lord of Iraq and right-ful commander of the faithful.¹ Husain's friends and relatives bade him beware of the fickle townsmen who lured him for private ends. But he did not pay any heed to them and set out for Kufah with a handful and weak escort of followers including near relatives both male and female. The clumsy intrigues of Kufa was reported to Yazid and he ordered 'Ubaidullah Ibn Ziyad to instal himself in Kufah before Husain arrived. He reached Kufah and put down all subversive activities.² He arrested the conspirators

1. Denawari pp 248-251.

2. Ibn Athir IV P 10.

including - Muslim Husain's cousin and put them to death. The shifas again betrayed the cause of Husain by submitting to yazid's governor. 'Umar Ibn Sad was deputed by Ubaidullah to the desert frontier to await Husain who al unconscious of this betrayal and disaster, was pushing across Najd towards he borders of 'Iraq. When Husain learnt the terrible news which made his expedition almost hopeless he thought of returning to Hejaz but Muslim's brothers clamoured to avenge the death of Muslim which was considered the most sacred and important task by the Arabs. Husain had no lust for the khi-lafat. He offered to retire from the politics of the day altogether. He made this offer to Ibn Sad the commander of the Umaiyad forces, at Karbala. But Ibn Ziyad - the governor of kufa, rejected his offer and asked for an unconditional and abject surrender. Husain could not agree to such humiliating thing. He could not reconcile himself to the methods and tactics adopted in elevating Yazid to the khilafat. Nevertheless he was not much interested in the politics of the day. He dreaded unnecessary bloodshed. He did not want to be a party to innovation which had been introduced by the ummayyads in the political machinery of Islam. He was an ardent champion and advocate of orthodoxy. On the 10th of Moharrem A.H. 61 (680 C.E.) the closing scene was enacted.

Husain with his little band of devoted followers fought with a heroism that challenges our admiration through all the centuries that have since passed. The combat was hopelessly uneven from the beginning. Husain along with his kinsmen and followers fell dead. The women along with Husain's surviving son Ali were despatched to Damascus. Yazid was overwhelmed with fear at the action of his officers. He disowned responsibility for their acts and entertained the surviving members of the family of Husain with respect and consideration¹. The tragedy ended here. Husain failed because of the betrayal of the Kufans. The shias tried to repeat their crime. This tragedy gave them a battle cry summed up in the formula - 'Vengeance for Husain' which ultimately proved one of the factors that undermined the ummayyad dynasty their political opponents. The blood of Husain was exploited by the Shias to be the seed of the Shi' its church.

After Husain's martyrdom the Shias remained quiet for a short time. Meanwhile Mecca became the scene of political conflict. Husain's martyrdom deeply moved the Meccans who were strongly opposed to the innovation of dynas^{we}

1. Tahari Vol VII p 375, 377, 379 Dinawari (AlAkhhari
Tive p 272

principle or hereditary nomination. The scandal of Karabala outraged them and they declared themselves free of Yazid's rule 'Abdullah the son of Zubair who was noted for his political acumen and astuteness became their leader. All Hijaz¹ proclaimed him as its ruler. Yazid despatched an army from Syria for the conquest of Hejaz which was still the religious centre of the Muslim world and as such its possession was very necessary. It was here that the surviving companions of the Prophet lived who wielded tremendous influence among the Muslims and were looked upon as their leaders. In the beginning Yazid adopted a conciliatory policy. A deputation of the Medinites visited him and was accorded a rousing reception. But money could not bend them.² The Umayyad agents and governors were driven out of Hijaz. The Syrian army equipped with the weapons like slings and ballistae took Madina and laid siege to Mecca.³ Just before the final assault was made came the news of Yazid's death. It caused a confusion among the Syrians. Now was a golden opportunity for Ibn Zubair to try his luck and assume the leadership of the Islamic state.

Centuries of Roman rule had caused the Syrians to tend to have respect for authority and established government. Quite in keeping with the native spirit and the moving

1. Dinawari p. 274.

2. Ibid p 273.

3. Ibn Athir III p 46.

principle and also because of Ibn Zubair's extraordinary influence on account of his great reputation for piety the syrian commander himself offered to acknowledge him as the khalifa if he accompanied him to Damascus. There was no one strong enough among the Umayyads to hold the reins of government. But Ibn Zubair disliked the idea of leaving Mecca. He dreamed of reviving the system of government which was ended by the death of Uthman and of maintaining Mecca as not only the religious but also the civil centre of the Islamic world. So he rejected this offer and thus lost a golden opportunity on account of his tactlessness and shortsightedness¹. Had he accepted this suggestion the Umayyad rule would have come to an end and he would have been acknowledged as the head of the Muslim world. For a while Damascus was the scene of perplexing and rapid revolution. after much deliberation Marwan and after his death his son - Abdul Malik were proclaimed respectively as the khalifas. They gave men sufficient confidence in their power of administration. It was through them that the ummayyads retained their supremacy. Ibn Zubair had gained hold of a great portion of the empire - the whole of Hijaz, Iraq, Khurasan and Egypt and even parts of Syria². Even over Damascus Ibn Zubair

1. Ibn Athir III p 49.

2. Ya'qubi II pp 33-4, Ibn Athir III p. 52.

had nominated Dhhak the leader of the Qaysites (or the north arabian party) which supported him as his provisional regent. The first task of the ummaiyyad party was to drive him out of the capital. The southern or the Yamanites were arrayed against the zubairite faction. In 684 Dhhak was killed and syria was cleared of the zubairite influence. With the triumph of the southerners over the northerners the Umaiyyad rule was firmly established. Until the last days the Umaiyyads had never again any trouble in syria itself. It was followed by their occupation of Egypt¹. For a brief space the Syrian and Meccan powers held the northern and southern halves of the Muslim world. Ibn Zubair might have defeated the Umaiyyads altogether if he had made common cause with the kharijites or the Shi'as. But he could not do this. For he, was an ardent advocate of orthodoxy and was bitterly opposed to innovations and deviations from the orthodox Islam. He characterised both of them heretics. He defeated the kharijis everywhere and effectually served the cause of the Umaiyyads. In the same way he refused to make common cause with Mukhtar who was the leader of the Shi'as and who put forward the claims of Muhammad the son of Ali for Khilafat².

The Shi'as gathered round him at Kufah and for a

1. Ibn Ather III p 59, Yaqubi II p 305

2. Nanbakhhti (Firaque Shi'a pp 23-6.

time he ruled the city and drove out the zubairite agents. Under him the Shi'as took summary vengeance on all who had been concerned in the massacre of Husain at Kerbala.¹ It was an organised attempt of the shias to capture the machinery of the state and was aimed at both against Ibn Zubair or the Meccan party and the Umayyads. But the Hussainites led by 'Ali - Husain's eldest son totally dissociated themselves from this movement. The generals of Ibn Zubair crushed this movement. By these successful campaigns against the Kharijis and the Shi'as who were the enemies of the old faith and the Umayyads Ibn Zubair cleared the way for the Umayyads to strike a final blow against himself. It also shows his military genius and ability. He was able to defeat these revolutionary movements and at the same time successfully resist the Umayyad forces for years. He would have proved the most formidable fire. Luckily for the Umayyad cause Ibn Zubair spent more energy in attacking the Kharijis and the Shi'as than join hands with them in fighting the umaiyyads & their mutual foes. He would have turned his attention to 'Abdul Malik but before he could do so the kharijis poured into the low countries of Basrah and thus occupied his attention to the full. 'Abdul Malik took advantage of Ibn Zubair's preoccupation and set out for 'Iraq. He

1. Dinawari p 313, 314.

contrived to defeat Ibn Zubair's brother¹ by buying over his officers and 'Iraq fell into his hands. Once again 'Iraq showed its intriguing, and treacherous nature (conduct) by deserting Ibn Zubair. Khurasan another stronghold of Ibn Zubair was annexed to the dominions of Ummaiyads. Ibn Zubair's power was hemmed within the limits of Arabia. 'Abdul Malik then decided to besiege Mecca-the rival capital. But no syrian general accepted the hateful task of besieging the Holy city. They did not want to follow Ibn Ziyad or Shimr by leading the troops upon so sacrilegious and expedition. At this time Hajjaj - an obscure officer offered to conduct the army. Ibn Zubair was deserted by his allies and friends. At last he fell fighting and left² 'Abdul Malik the sole surviving lord of the Muslim world. The problem of the mastership of Islam was solved. With the end of Ibn Zubair disappeared Mecca and Madinah save as places of pilgrimage and religious centre of Islam from the pages of political history and Arabia became a part of the ummayyad empire. Ibn Zubair's defeat was a defeat of the orthodoxy. A number of the Ansar left Mecca and Madinah to join the armies operating in north Africa, Spain and other theatres of war. Henceforth

1. Dinawari p 309.

2. Ibn Ather p IV pp. 286-9.

the history of Arabia began to deal more with the effect of the other world on the peninsula and less with the effect of the peninsula on the other world. The political supremacy of the two holy cities came to an end.

The reign of Marwan saw two Shi'a risings at Kufah. After the death of Mu'awiyah-the son of Yazid the shias of kufah met and bewailed their desertion of Husain's cause. They invaded Northern Syria under Sulaiman but were defeated. They failed in their attempts to take vengeance on all those who had been concerned in the massacre at Kerbala. Most of them fell fighting¹. These were known as the "Tawwabin" or the repenters.

Another shia movement which was better organised started under the leadership of Mukhtar - This crafty intriguer succeeded in obtaining the countenance of Muhammad Ibn Hanifah - a surviving son of 'Ali who had hitherto led a retired life at Madinah and secured the whole-hearted support of the entire Shi'ite faction. At times he dallied with Ibn Zubair but he was clever enough to see through the game. He revolted against Ibn Zubair and became master of Kufah. In order to capture the imagination of the masses Mukhtar

1. Ibn Athir p IV pp 286-9.

advocated the principle of Mahdi and called himself his lieutenant. His battle cry was the vengeance of the murder of Hussain. This slogan attracted thousands of people under his banner. His taking possession of Kufah was preceded by house to house fighting. On his victory short shrift was given to any one connected with the massacre at Karbala and 'Ubaiddullah Ibn Ziyad and Shimr who were mainly responsible for the tragedy, were slain¹. Thus Mukhtar wreaked vengeance he had sworn to wreak. He became the champion of the persian clients or non-arab elements against the Arabs. But he was not allowed any more time. He was defeated by Mus'ab and Muhallab - the two great generals of Ibn Zubair and he died fighting at Kufah². The organised attempt of the Shias to capture the political power and the machinery of the state miserably failed and this threw the shias movement into a secret organisation. For the time being they were subdued but their movement was not totally crushed. Whenever they got a chance they tried to set up some one or the other who happened to belong to the house of 'Ali as a claimant to the khilafat. They based their claims on legitimacy.

1. Ibn Athir IV pp 206, 207.

2. Dinawari p 314.

The kharijis rose for several times. They were fanatics and were intensely democrats. They represented the extreme left of the Muslim political theory.

They denounced Muawiyah and Ali as heretics. Uthman too, was condemned by them as a heretic. They repeatedly arose in armed opposition to the umayyads for they belonged to the Quraish on whom the prerogative was conferred that the khalifa should be one of them. They held that any believer was eligible for the exalted office even though he was a slave or a non-arab. They further believed that the existence of the Imam or the khilafat was not a matter of religious obligation. The community could fulfil all obligations imposed by the religion and have an entirely legitimate form of civil administration without any head of the state. One might be elected to this post if the necessity to do so was felt and be deposed or put to death. They wanted to maintain and uphold democratic and puritanical principles of Islam and for this they caused river of blood. In the whole reign of umayyads they continually made troubles. The turbulent and dissatisfied Iraq whose people were men of schism and hypocrisy was the chief centre of their activities. As it was a revolt against the ascendancy of the Quraish, the non-arab elements, too, joined this movement, Especially the Mawalis or the clients who formed the

lowest stratum of the muslim society on account of the Persian and Byzantine influence. They bitterly resented this status espoused the cause of the kharijis in Persia and 'Iraq. They proved to be more dangerous to muslim unity. The Kharijis were valiant fighters and raided and harassed the ummayyad territories. They justified the massacre and annihilation of the partisans of 'Ali and Muawiyah on religious grounds. In the time of Muawiyah one after another these bands of insurgent fanatics were cut to pieces but the effect was unsettling. In 43 A.H. Mughirah¹ Shuba¹ was able to beat them back but they were only subdued and not destroyed. In A.H. 74 Iraq was threatened by the Asrakites - one of their branches. Hajjaj was appointed as the governor of Kufah. He arrived suddenly at the city. The menacing language of his sermon at the mosque frightened so much the Kufans that they streamed out to the camp and the crisis was averted but time after time insurrections of the kharijis broke out. Under the leadership of Qatari Ibn al Fujaah they acquired control of Kirman, Faras and other eastern provinces. They were weakened by divisions in their own camp but eventually they were crushed by the able general Muhallib¹. They again arose in armed opposition in the time of 'Umar b 'Abdul 'Aziz and were brought under control by Muslim ah Ibn 'Abdul Malik² the Umayyad³ general.

Although the umaiyyad suppressed the kharjīs they went to weaken their power and contributed to their overthrow.

In 'Iraq boiled and seethed the most ferocious political hatred & religious passion. Every Kufan loathed the umaiyyad rule, dearly loved riots, strife, revolution and excitement. The shia spirit slumbered and it only required a word, a man and a favourable opportunity to blaze out with redoubled fury and vigour. Any member of the house of 'Ali who put forward claims for the khālafat stirred the 'Iraqian minds to mutinous thoughts and bloody intrigues. But another and even more dangerous faction steadily gained ground at the expense of both Umaiyyads and Ali'its. The new party which threatened the internal peace of the realm was that of the house of 'Abbas-the uncle of the Prophet. The whole attention of the umaiyyad khalifas was engrossed by the intrigues and rebellion of the shīas and the kharījīs. The 'Abbasids took advantage of it and quietly made preparation to seize the reins of power. The family of 'Abbas had been long regarded as of a sacred character as is also corroborated from the fact that 'Umar often requested 'Abbas to lead the prayers for the rains. Rumours were craftily spread abroad that the 'Abbasids had been invested with the right.

of the house of 'Ali. Prophecies were manufactured foretelling the rise of the Abbasis to the khilafat. This subterranean intrigues, had been slowly and craftily set on foot. Since the death of 'Umar ibn 'Abdul 'Aziz. The Abbasid family stealthily wriggled themselves into popularity. The first signs were visible in the reign of 'Umar. Undoubtedly it was their political talent and guile that they did not under take any hasty rebellion or abortive struggle for more than 30 years after the death of 'Umar and finally the Abbasides succeeded in over throwing the Umayyads and thus ended the shias there. With the fall of Umayyads, the indivisibility of the Khilafat ceased. Never after was a Khalifa acknowledged as such over the whole Islamic world. The truly Arab period in the history of Islam ended. Under the guise of International Islam, Iranianism marched triumphantly on.

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ABSTRACT

In the introduction of the thesis the salient and characteristic features of the Islamic state have been given and it has been emphasised that Islam is not merely a body of dogmas and rituals but a comprehensive and all-embracing social order which aims at translating its ideals into actual practice.

In the first Chapter, has been discussed the social and political conditions of the Arabian peninsula which had escaped foreign domination and subjugation and whose people had succeeded in preserving their racial purity and individuality. It was the commercial as well as the cultural centre of the world. Its climate and other geographical factors were responsible for developing in its people a very strong sense of particularism and hence their aversion to any centralised government. The tribe was the basis of their social organization. Life could not be conceived out-side the tribe. The population consisted of two parts-the nomadic and the settled but each one jealously guarded its rights. The tribes were ruled over by the chiefs who were noted for their gallantry and wisdom. The tribal spirit or 'Asabiyyah played the most important part in determining their actions. If a member of any tribe was killed by the member of another tribe, it was the duty of the other members of the tribe to take revenge. This very often led to a never-ending series of wars which very often arose over very petty and minor issues. The Arabs were noted for their gallantry, bravery and hospitality but they were not prepared to live under the authority of one central government. Consequently the country was not politically united. The states of Hira and Ghassan which also happened to be the subjugated states of the Sassanids and the Byzantines were quite incapable of keeping the whole peninsula under their effective control,

Similarly the degenerate and corrupt empires of Sassanids and Byzantium also were quite incapable of conquering or subjugating the Arabian peninsula. The holy city of Mecca which was considered sacred by all and was the religious centre of Arabia had a city state with an oligarchic form of government. It was dominated by the various clans of the Quraish. Each tribe had its own gods and idols and the Kabah contained the gods or idols of all the tribes. Religion instead of uniting the Arabs had divided them. Christians, Jews and a handful of unitarians² also lived but they too had failed to make the Arabs follow their respective religions.

However from the economic point of view, there was some ^{me} semblance of unity. A sort of economic federation existed and the caravans going from one place to another were protected by the armed escorts on account of the treaties existing not only amongst the Arab tribes but also between them and the non-Arab states. Robbery and plunder was very common and a state of anarchy and general insecurity existed before the rise of Islam.

The prophet of Islam put before the Arabs the message of Islam which called upon them to believe in one God and accept him as the prophet and the Quran as the Book for their guidance. His teachings stood against all the existing distinctions and discrimination. Islam stood for the brotherhood of the believers without any distinction of race, colour or sex. It established a community of the faithful and all its members enjoyed equal rights. Any one could become a member of this community if he embraced Islam. It was a social order embracing all the walks of life and contained solution of the vexed problems facing humanity. When the prophet migrated to Yathrib which now became his city or Madinat-un-Nabi, he established a city state which came into a being as a result of bai'at or social contract. Within the brief span of 10 years, at the time of his death, the whole

of the Arabian peninsula was included in his state and naturally the state could no longer remain a city-state. This state was unique in many respects. In the first place, it was a theocentric, ideological and classless state. In it, there was no room for any discrimination or class distinction. God or Allah was the sovereign and His Laws contained in the Quran were enforced by the state. People were so law-abiding that months passed and not a single crime was committed. The most remarkable feature of this state was that it established the rule of law and brought all its citizens under one uniform code of law. This was unprecedented in the history of Arabia. Another remarkable feature of this state was that it put an end to tribal jealousies and rivalries and there came into being such a community which was guided in all its actions by the will of God and had no material aims or objects before it. The most distinctive feature was that Arabia became politically one in a remarkably short period of time and without any major blood shed. The casualties did not number more than one per month during this period. The economic problems were solved by making the payment of Zakat obligatory on the rich who considered themselves simply as trustees of their wealth. The state established by the prophet was a partyless, classless, federal ideological and theocentric - theocentric in the sense that God was the Sovereign but it was not in any way priest-ridden. The tribes^{the} constituent units still remained the basis. War, foreign affairs, peace, over-all supervision of the administration, maintenance of law and order throughout the country remained the main functions of the central government while other functions were performed by the units. The Prophet decided the disputes and interpreted the Quranic laws which was binding on all. Non-Muslims enjoyed protection of their lives, property and honour and were granted religious freedom. They further enjoyed juridical autonomy i.e. their cases were heard by their coreligionist

judges who decided in accordance with the laws of their scripture. Thus the great principles of religious toleration and religious freedom were acted upon. The principles of nationalization and financial decentralization were at work as is evident from the fact that the prophet had declared that the mines and treasure troves belonged to the state. Landlordism was not in any way encouraged and the revenues realized in the various localities were spent on the needs of those localities. The principle of separation of powers was also at work. This is evident from the fact that the Qadhis were quite independent of the control of the wali who were the executive head of the area under them.

Another distinctive feature of the Islamic state during the days of the Prophet was that it was intensely democratic. All had free access to the head of the State - who sat in the mosque, received everyone and attended to his problems. It was noted for its extreme simplicity. The whole machinery was very simple. There were no complication or any unnecessary legalism. The legal system was also noted for its simplicity. Unnecessary litigation was discouraged and greater emphasis was placed on the spirit rather than the letter of the law. There were no professional lawyers or advocates and justice was administered impartially and no one was considered above law.

Another notable feature of the Islamic state was its international character. Among its citizens were included the members of all races and it had its relations with all the neighbouring state. It was through this state that the world came to know of the rights and duties of the belligerents. The prophet through his wars gave a humane law of war to the world. Blood shed was brought to the minimum and every thing possible was done to humanize the war. Utmost generosity was shown to the declared foes of Islam. At the time of the conquest of Mecca,

Ahmad Sufyan and other leaders of the Quraish who had done every thing possible against the prophet and the Muslims were pardoned for their past crimes.

In this state special attention was paid to build up the character of its citizens. Fraud of every kind and any thing immoral was effectively checked so the citizens of this state made a name for their very lofty character. It was the greatest achievement of the Prophet that he transformed the warring Arabs into a united community of the faithful noted for their lofty character and intense feelings of brotherhood, piety and a very strong sense of duty.

The Prophet was succeeded by his four most distinguished companions who were known as the pious Khalifas. They combined in them the leadership of the state as well as the religious leadership of the Muslim community as Islam did not believe in the separation between the church & the state. Till the first half of the reign of 'Uthman- the third Khalifa, the Islamic state went on expanding both in population as well as in size. Egypt, Tripoli, Persia, 'Iraq, Syria & Palestine and other parts of central Asia became parts of the Islamic state. It therefore no longer remained confined to the Arabian peninsula but spread beyond. During the Khilafat-i-Rashida the basic structure of the state remained the same, although new political institutions were added to it and it developed very much e.g. there was a regular consultative body known as the Majlisi-Sheera to advise the Khalifa on various political and administrative problems. The prophet also used to consult his companions noted for their wisdom and understanding of political and administrative problems. During the days of the Khilafat-i-Rashida, it was more permanent and more elaborate.

Similarly during this period, ^a system of election was adopted for the ^h headship of the state. The prophet had not left any precise instructions about the mode of appointment of his successor. After his death, his companions chose Abu Bakr his senior-most and erst-while companion. On his death, ^h he nominated 'Umar as his successor whose election was confirmed by the general baiat. 'Uthman was elected from amongst the six persons nominated by 'Umar while 'Ali was elected by the people of Madinah.

New political and social institution had become necessary on account of the increased size and population of the state. The state during this period had features of a welfare state as well as is evident from the fact that Muslims received a stipend or pension from the state during the days of 'Umar and those who were physically fit performed military service. While these stipends or pensions were a great relief to the physically disabled, incapacitated and the perasists. Similarly, roads & bridges were constructed and canals were dug and agriculture was improved. Blackmarketting, racketting & profiteering were strictly forbidden and price control was introduced during the days of 'Umar.

The democratic spirit was maintained through the institution of recall when the governors were dismissed on the representation of the people of these provinces and through strict supervision exercised by the Khalifa. Such governors were removed from their office by 'Umar when he received the information that they led a luxurious life. People could question the Khalifa himself in the mosque about any thing which they did not like.

Evils of land-lordism were not allowed to creep in the Muslim society by proclaiming that the conquered lands belonged to the state.

Principles of separation of powers, financial decentralization were at work during the Khilafat-i-Rashida. Special attention was paid to public education or instruction.

It was during this period, especially in the second half of the reign of 'Uthman that dissensions occurred to divide the Muslims. During the days of 'Ali, the Muslims were divided into three groups - the Shi'a ~~about~~ ^{for} 'Ali or the partisans of 'Ali who held the view that Khilafat belonged to 'Ali and that was divinely designated, the Kharijis who denied that the Khilafat belonged to Quraish. To them any Muslim was entitled to it. They even denied the existence of the Khilafat and held the view that all matters could be carried on with the decision of the community and the bulk of the community ~~and~~ who followed the orthodox Islam by following the practice of the Prophet and his first four Khalifas. Thus started an era of political controversies and conflicts which were in the beginning purely political and it was only later on that religious tinge, was added to these. Very many un-Islamic ideas arose with the conversion of non-Arabs to Islam and non-Arab ways of life began to influence the Muslims. The later half of the reign of Uthman and the reign of 'Ali saw a conflict between the exponents of orthodox Islam & the upholders of un-Islamic ideas. It also assumed the form of a constant struggle for political ascendancy and supremacy. Moreover with the death of the more pious companions of the Prophet the Arab Muslim could not exert the same amount of moral influence which the deceased pious companions did on account of their lofty character and non-worldly attitude. The Non-Arab Muslim began to contest the Arab Muslim supremacy especially the Persians and Iraqians. Uthman appointed the Umayyads to key posts because he could rely upon them. This was very much resented by the non-Arab Muslims and ultimately he lost his life. 'Ali changed the capital to Kuf

This was a great blow to the ascendancy of Arabs. The Khilafat now lost its partyless character and the whole Muslim world were divided up between the supporters of 'Ali and Mu'awiyah and an era of civil war ensued. In this struggle Mu'awiyah was successful because of ^{the} loyal support which he received from his followers. 'Ali had to come to terms with Mu'awiyah because his supporters were not loyal to him. The Kharijis appeared on the scene who stood for puritanical fanaticism and considered 'Uthman, 'Ali and Mu'awiyah not only sinners but heretics. The Shias on the other hand invented the doctrine of the Imamat of 'Ali.

The accession of Mu'awiyah to the Khilafat marked the beginning of a new era. Now ensued the era of temporal government and the Khilafat no longer remained on the same old model. Hereditary principle was introduced although the accession of every khalifa had to be confirmed by an oath of allegiance.

The second characteristic feature of the Umayyad Khilafat was that the state was more of an Arab state as Arabs enjoyed a position of ascendancy. The old simplicity of the Khilafat Rashida was replaced by a magnificent royal court and the Khalifa was no longer accessible to the people although the Khilafat still remained democratic in the sense that the nomination of the new Khalifa was still confirmed by the general Baiat.

Another feature of the new dynasty was that the government was more temporal and worldly. It was due to the fact that the Arab Muslims were now richer than in the past and the newly conquered territories added to their wealth. This was also due to the fact that excepting Umar bin 'Abdul 'Aziz all other Umayyad Khalifas introduced landlordism or a sort of feudalism by granting big pieces of lands as fiefs to their favourites and supporters. Thus the society was now changed into a feudal society.

The change of the language of the administration was another step towards Arabization and now as the work of the government was to be carried on in the Arabic, only Arabic knowing persons were appointed to govt. posts and jobs. This meant the Arab ascendancy and this was resented by the non-Arab citizens of the state.

Another step towards Arabization was the introduction of Arab coins. This freed the Muslims from the fiscal slavery of the Byzantines and accounted for the richness of the Umayyad state.

The Umayyad Khalifas did not deviate from the fundamentals of Islam but they did adopt a number of Byzantine and Sassanid institutions hence the state was considerably influenced by the un-Islamic ideas. For instance in the mosques, a special space was reserved for the Khalifas.

As their capital - Damascus was situated in Syria, the Umayyad Khalifas adopted a number of Byzantine practices for instance their administrative machinery contained very many features of the Byzantine administrations so the state was no more on the old model. 'Umar bin 'Abdul 'Aziz tried to go back to the days of the Khilafat-i-Rashida but he failed as his reign was very brief and moreover it was very difficult for him to change the attitude of those who were at the helm of affairs.

During the Umayyad Khilafat, risings were stirred up both by the Sh'ias and the Kharijis. The sh'ias championed the cause of the house of 'Ali while Kharijis stood for the puritanical fanaticism and were deadly opposed to the ascendancy of the Quraish. Although the Umayyads succeeded in suppressing these risings, they could not succeed in completely crushing these disgruntled elements and these elements continued their plots. The state was no longer a partyless or classless.

Thus at the end of the first century of Hijrat, the Islamic state was more of an Arab or national state and had a highly centralized government. It was no longer the Khilafat 'ala Minhajun Nabawat but more of a temporal state although it still possessed the features of a democratic state. The various factions struggled for political power as was the case between the Green & Blue factions under the ^H Byzantines.

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